



Guidelines for the Development of  
**The James Street Commons**

Prepared for the Mayor's Policy and Development Office  
Newark, New Jersey

URBAN DESIGN &  
PLANNING DIVISION  
GRUZN & PARTNERS

Goldstone and Hinz, Consultants

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Guidelines for the Development of

# The James Street Commons

Newark, New Jersey

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## Introduction

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Enthusiasm for preserving and restoring old urban neighborhoods currently exceeds the wildest dreams of the pioneer fighters for historic preservation. Private organizations, individuals, and government are investing hard cash in what, a few decades ago, were considered the whims of a handful of crack-pots. There are sound economic and social reasons for this shift. Governmental and financial powers have learned the hard way that the new is not always the best and that the biggest may also be the emptiest.

Now that hard times have halted the headlong expansion of our cities, there is a newly awakened appreciation of the values lost when the old urban cores were abandoned. It is at last recognized that these values are not only social and economic but, surprisingly enough, architectural and that they are in fact interdependent. The sense of identity and continuity that a well-preserved architectural environment gives to its residents has proven to be an effective social stabilizer. When people are proud of the place in which they live, they tend to want to keep it that way for their children. When they feel their neighborhood has a past, they begin to believe it may also have a future. If an official body effectively insures the correct restoration of old buildings, then property owners know that any investment they may make in their own holdings will be protected and reinforced by what their neighbors do. This leads directly to a general upgrading of property values.

The rush to restore the old parts of our cities gives signs of becoming a stampede. Those who care for the future of urban America should make sure this zeal is well-directed. The profession of architectural historian has hitherto been so esoteric, and the techniques of preservation and restoration are relatively so new that the well-meaning amateur, and more especially the insensitive professional, can, with the best intentions, sometimes do more harm than good. So it seems advisable in establishing a new Historic District, to state at the outset what it is and what it is not, what can and should be done about its old buildings and its future new buildings, about its

sidewalks, streets, and parks.

That, then, is the purpose of this report: to set the stage for the implementation of an overall plan, through a detailed examination of the architectural and urban design problems and possibilities of the James Street Commons. The overall plan, "James Street Commons: A Plan of Action for the Restoration of an Historic Neighborhood", was developed by the MPDO, and published in September 1977. Its major land use proposals are amplified in this report through architectural analysis and recommendations. These recommendations are developed in the areas of architectural and streetscape guidelines, based upon a thorough inventory of architectural styles and analysis of the streetscape; suggested immediate actions in the form of prototype designs, and the administrative framework and financial resources which, once set in place, will carry through on the work to be done.

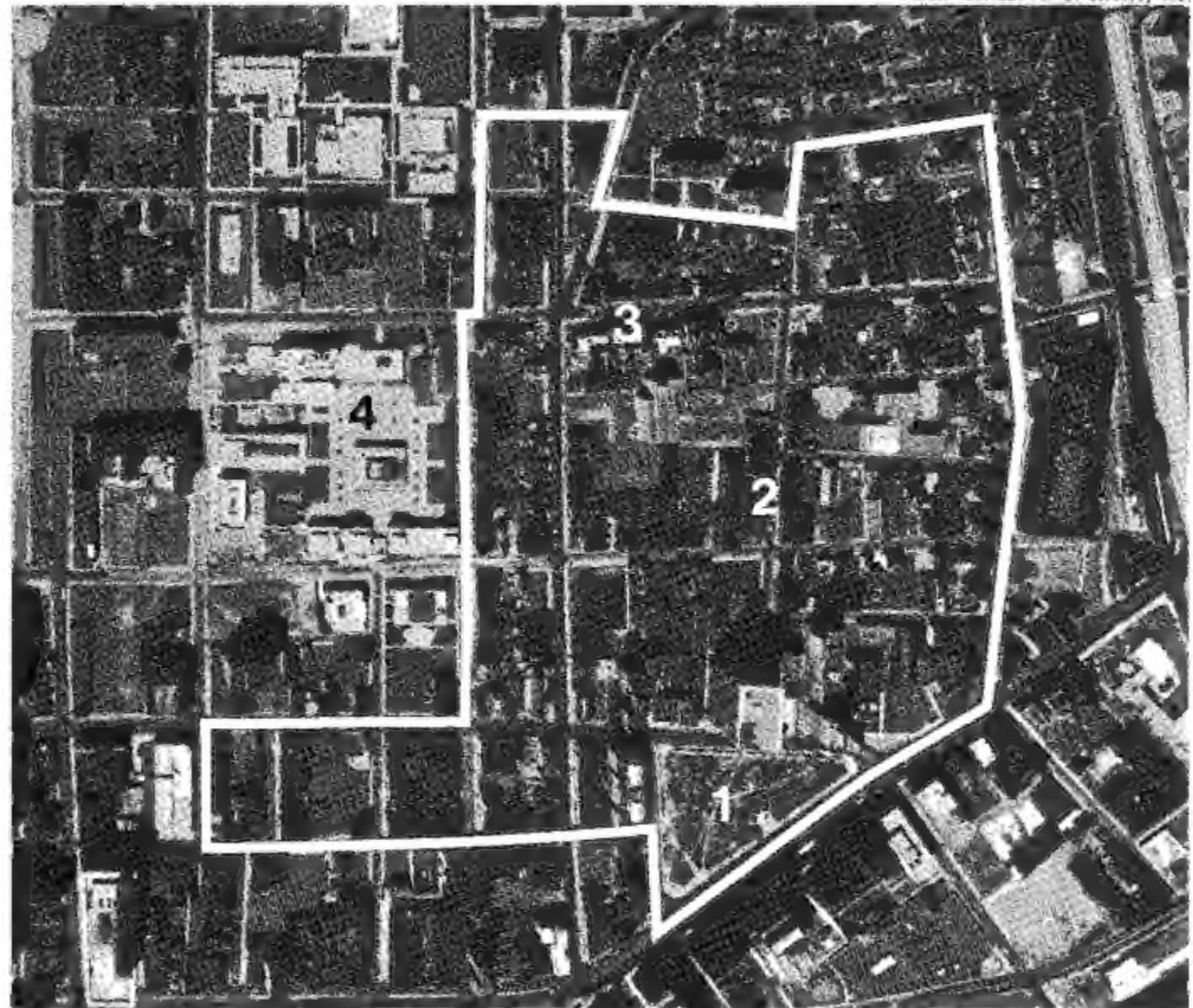
Many steps have already been taken towards arresting and turning around the decline of the area. These include its designation by the State and shortly by the Federal Government as a historic district; the very basic planning work done by the MPDO, and the numerous small scale changes within the area such as private efforts toward restoration of individual buildings and the construction of a new park.

All of these actions indicate the will and desire to get things moving toward a full and complete restoration of this area of Newark. This report provides additional tools to take further steps in that direction.

Aerial Photo of  
James Street Commons

1. Washington Park
2. Jones Street
3. St. Michael's Hospital
4. Rutgers

Photo: Robinson Aerial Surveys, Inc.



## 1. Area—Wide Analysis

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### Existing Land Use

The land use in the James Street Commons is an urban mixture of residential, commercial, and institutional activity. A residential/commercial mix predominates along Halsey and Washington Streets. The retail activity, particularly along Halsey Street, depends for its vitality on its location in Newark's downtown and consists of small owner-operated businesses -- many of them one-of-a-kind. Residences above the shops or on the side streets have been a part of this area since at least the 1860's.

Toward Washington Park, institutions have become the dominant land use, where the sequence along Washington Street includes Rutgers University buildings, several prominent churches, and the Newark Museum and Public Library. Originally, the area adjoining the park was a mixture of residences and commercial establishments including a market. Gradually, the commercial uses were edged out and the homes replacing them were some of the most splendid ever built in Newark. Beginning in the 1920's however, the area began to decline as a favored residential area and the present institutions began to locate here.

St. Michael's Hospital is the other major institutional area and it has a significant impact on the westerly portion of the James Street Commons. The Hospital has been in existence since 1867 with major expansion occurring in recent years. The other area of non-residential activity occurs along Orange Street. Marginal commercial uses including small meat and poultry processing plants as well as single room occupancy residential hotels typify the decline and dilapidation of the area.

The residences in the James Street Commons built for the most part between the mid 19th and early 20th centuries are predominantly rowhouses with a few scattered apartment buildings and detached or semi-detached houses. They are solid buildings of mostly masonry construction. Residential uses predominate in a U-shaped band running along Bleeker, High, and James Streets. Housing is scattered along the connecting streets between James

and Orange, providing some continuity of use along those streets.

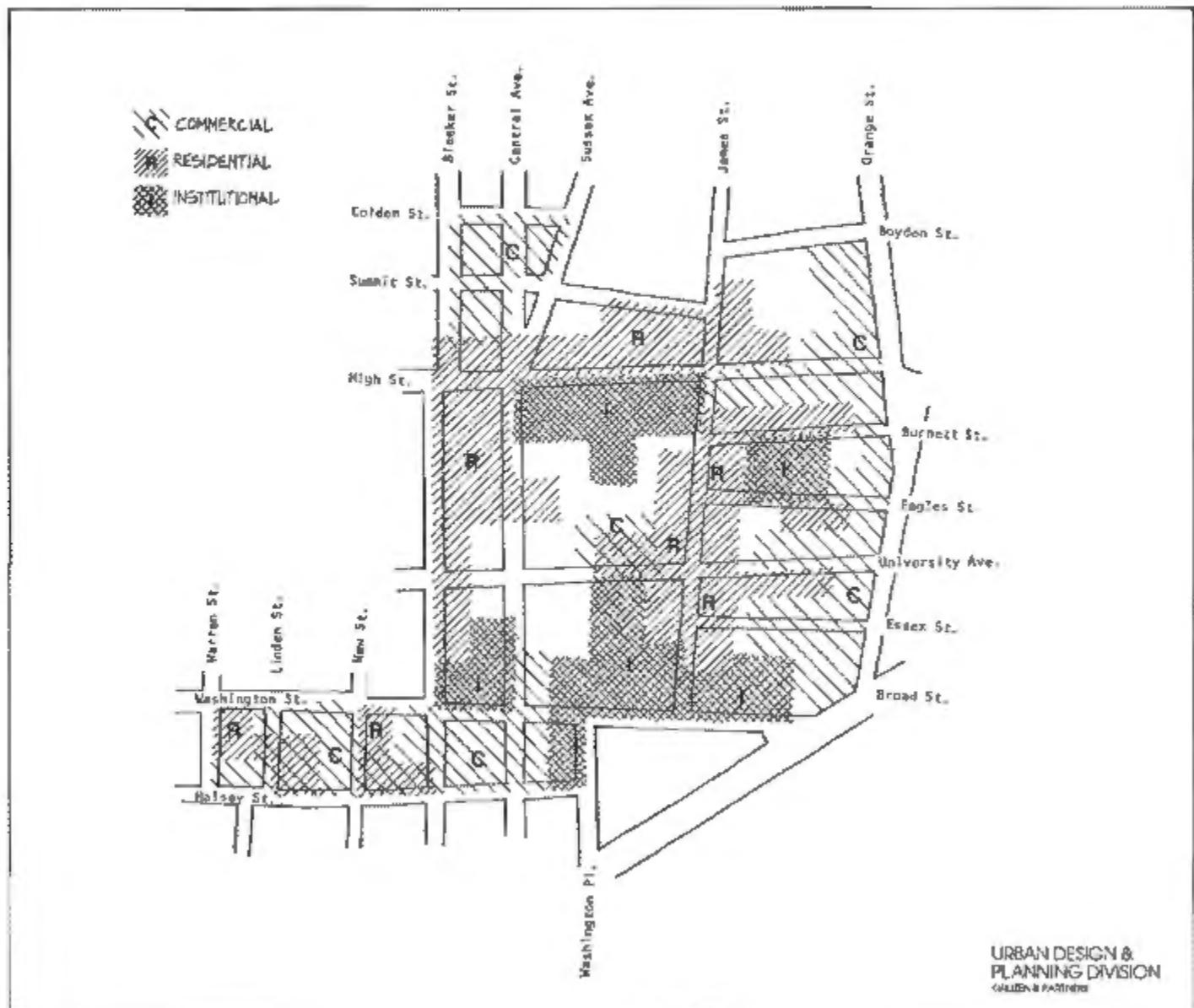
### Traffic

The traffic patterns of the James Street Commons are determined by the series of one-way streets and a hierarchy of local and through routes. Because of proximity to the downtown, a number of streets are important as through routes to and from the CBD, and to downgrade them as traffic carriers poses problems in resulting congestion. These streets include Central Avenue as a "principal arterial", Orange and Sussex Streets as "minor arterials", and High, University, and Washington Streets as "collectors". The remaining streets operate at the local level, giving access to abutting properties.

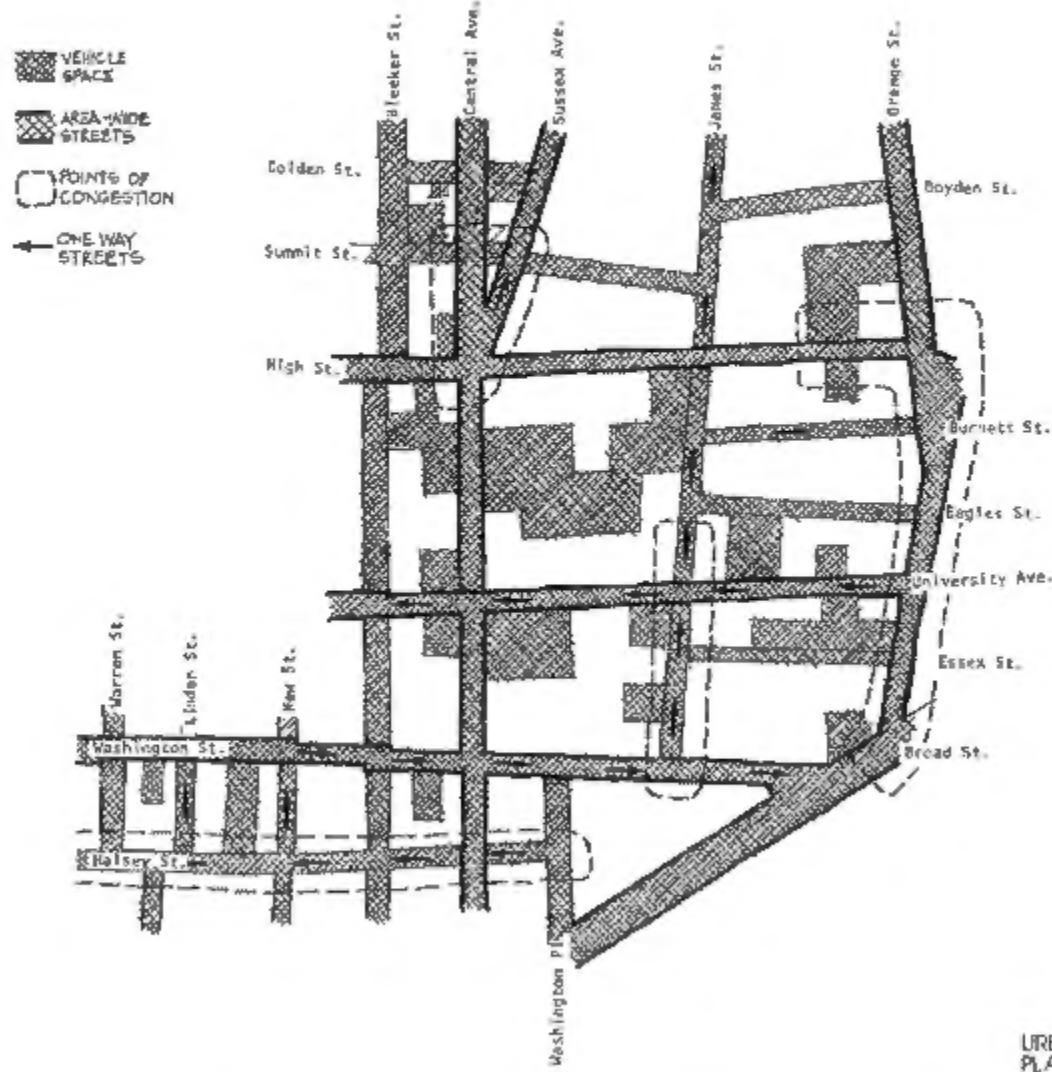
Points of traffic congestion include the intersection of Sussex, High and Central, which is presently planned for median changes and new traffic signaling under the TOPICS program; Orange Street, mainly due to the mix of traffic and the police parking at High Street; and Halsey Street, again due to loading and unloading of service vehicles which mix with passenger vehicles. James Street, while not officially designated as one of the area-wide traffic carriers is used as a "short cut" traveling west from the Washington Park area and is congested during the afternoon rush hour.

The most successful strategy in dealing with area-wide traffic demands and local preferences to minimize traffic volumes is to redesign the use of the existing narrow rights-of-way, allocating less space for parking of cars. This reduces the "friction" on moving vehicles causing them to move more efficiently and quickly through the area, and returns some amount of the right-of-way back to the pedestrian. The visual impact of vehicles is also lessened. Of course, this parking resource has to be compensated for and, as well, each street in the Commons has to be treated differently. There are several prototypical design solutions following the Streetscape Guidelines on page 43 showing approaches to this problem.

Generalized Land Use

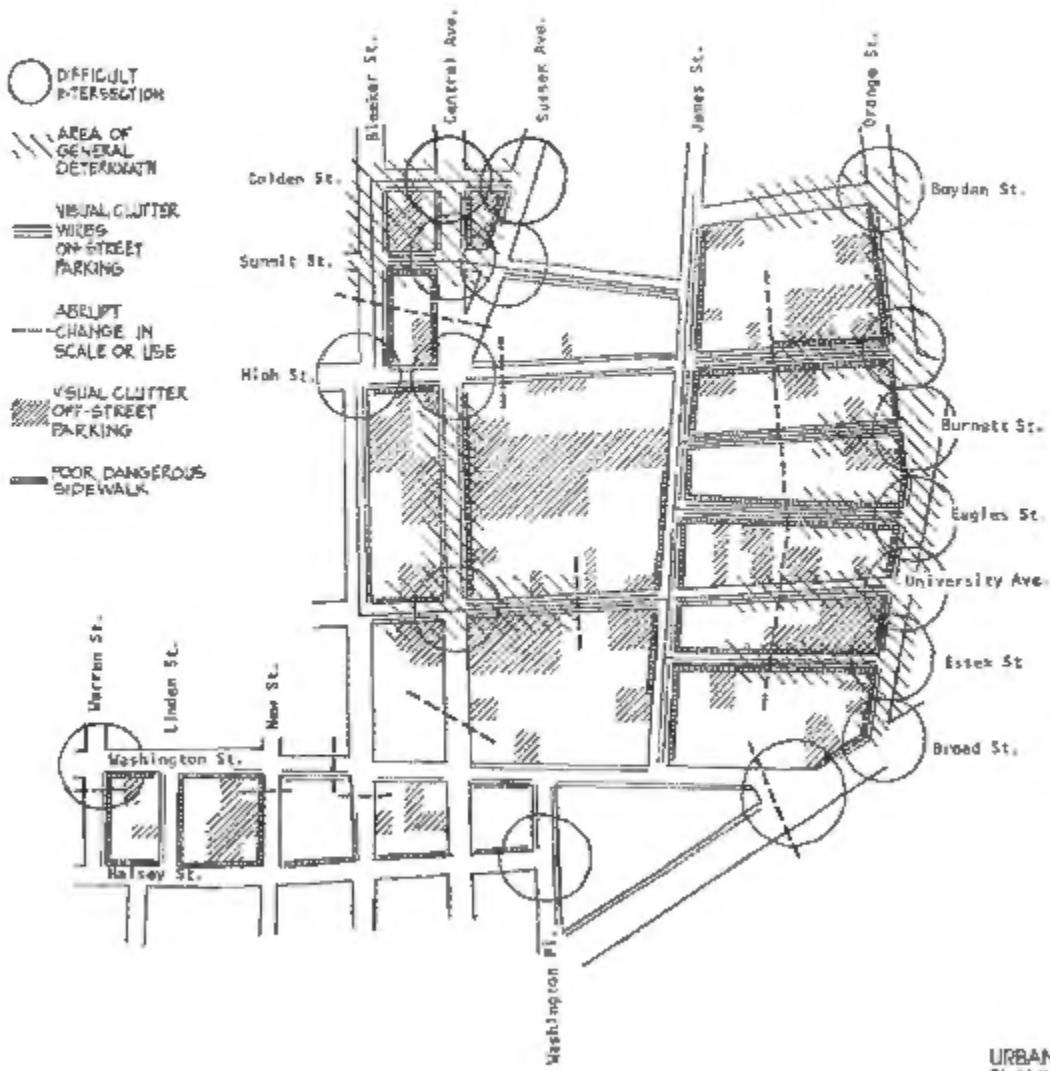


Existing Traffic Circulation



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Area Environmental Problems



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## Problems

The environmental problems in the James Street Commons revolve around four issues: pedestrian comfort, safety, environmental stress, and visual clutter. These are problems not uncommon to old, declining, central city areas. The solution of these problems is important to change overall expectations about the area's future and to solve particular and present difficulties.

While the area offers easy accessibility by foot, the actual experience is discomforting. There is noticeable lack of pleasant and protected walking areas due to the conspicuous absence of street trees and other kinds of shelter from the elements. Large open areas such as the intersection at Central and University expose the pedestrian to the sun, rain and wind. Similarly there is a lack of places for rest and relaxation - benches, parks, and the like. Especially for older residents who must make trips by foot daily, spots to rest can be necessary as well as refreshing. Public services in the form of street furniture are also lacking: telephone booths, mailboxes, trash receptacles, bike racks. These are necessary amenities in denser urban areas. Finally, the night-time lighting is inappropriate to the pedestrian scale. It provides the necessary overall illumination for moving traffic but these requirements are quite different than those for pedestrians. People on foot need local light sources, with a fixture in scale to pedestrian movement, and lighting of a warm welcoming tone - incandescent being best. Also the rhythm and continuity provided to the visual scene by the repetition of closely spaced, low lighting fixtures in the daytime is another important feature which is missing.

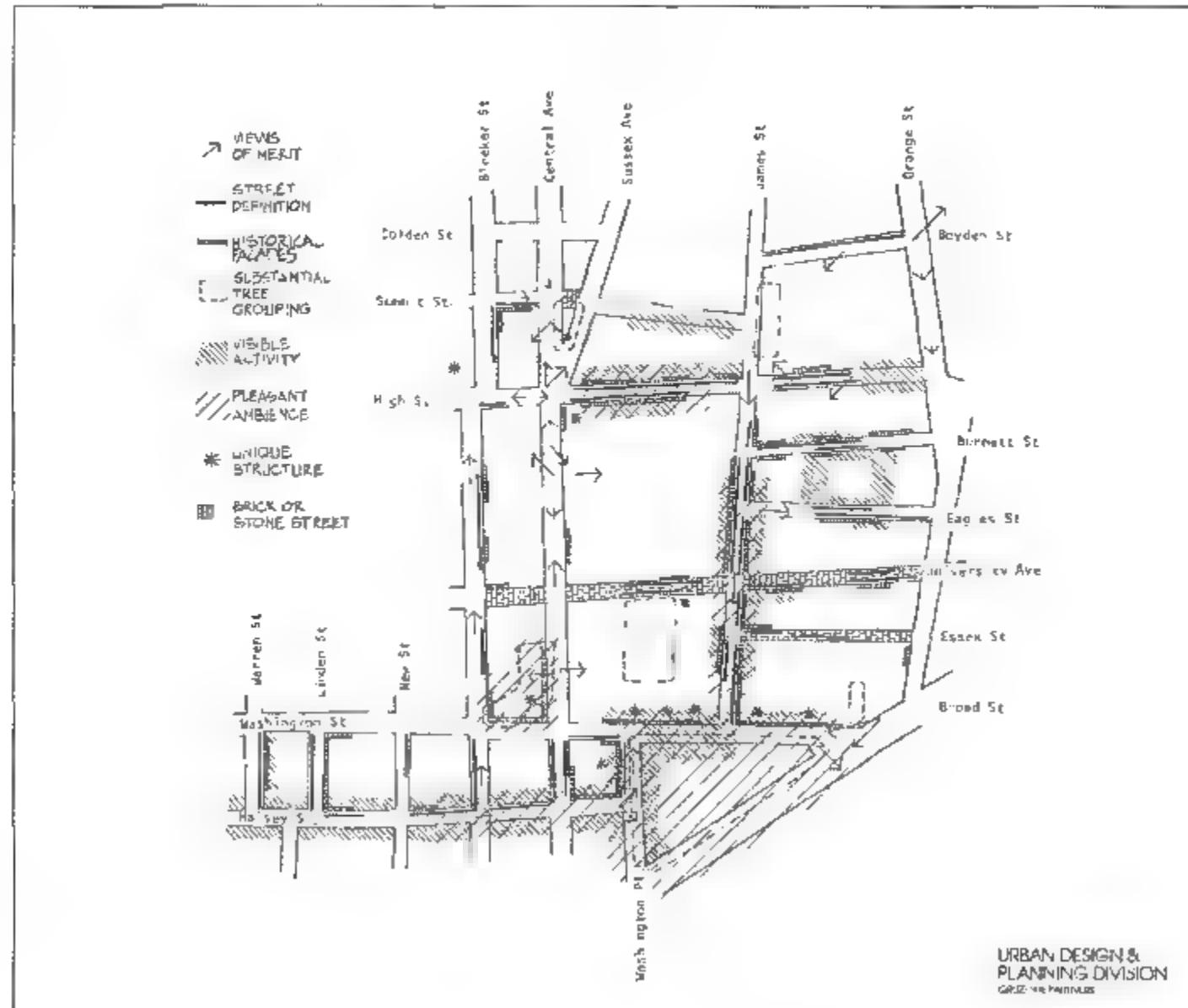
There are numerous points of pedestrian-vehicle conflict. They include the intersection of High/Central/Sussex where the junction of these three streets creates long waiting times and unexpected sources of traffic for both pedestrians and drivers; Halsey and Washington Place where the absence of a traffic light makes crossing difficult; and High and Orange where a broad intersection, traffic congestion, and almost total vehicle domi-

nation make for an unsafe situation. Sidewalks in numerous areas are physically unsafe - with uneven settling and broken pavement, and this is a particular problem for the elderly. In addition there are numerous unused curb cuts and driveways which create uneven sloped walking surfaces and discontinuities in the sidewalk area. Finally, abandoned buildings and vacant lots create real as well as imagined dangers of unauthorized use and illegal activities. Abandoned and unused land can be the worst visual blight in an urban area because they convey complete lack of worth.

In the James Street Commons visual and psychological stress is caused by abrupt changes in scale and use such as the transition from James to Orange along High, Eagle, Burnett, University, and Essex Streets. This abrupt change creates uncertainty about the area's future and uneasy expectations when moving from one area to another. The impression is one of gradual erosion southward from Orange Street and efforts need to be made to arrest it. Parking lots provide a considerable amount of expansive but inaccessible open space, which exposes pedestrians to wind, rain, and the sun but prohibits by use any benefit of the space. This is particularly true of the Central/University intersection, as well as along Central Street towards High Street, and the massive amounts of parking off Orange Street. Gaps in street frontage due to parking lots and vacant lots exist almost everywhere, like missing teeth and are most prevalent along Washington, Orange, and University Streets.

Visual clutter has to do with both the housekeeping of the area as well as its physical layout. Open parking is the most common example of clutter both in the presence of cars and in the general appearance of the parking lots with unkempt edges, signs, and dilapidated control booths. Overhead wires, absence of landscaping maintenance, and commercial and public signage are other examples. Visual clutter creates uncertainty about the area and its future and in general contributes to a negative image.

Area Environmental Patent als



## Potentials

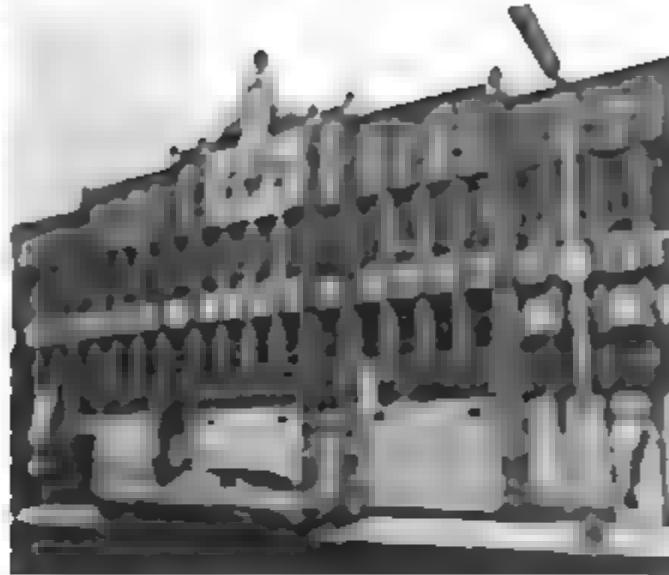
Many of the potentials of the area exist because of its historic character. The general sense of history is very apparent due both to the range of style of structures which span nearly 150 years of building and scale of streets with their narrow rights-of-way and in some cases, cobblestone surfacing. There are unique structures, the tower of St. Michael's Hospital, St. Patrick's church, the institutions along Washington Street to name a few. Many of these buildings have prominent settings - the height upon which St. Michael's Hospital tower sits and the open space of Washington Park as a setting for the institutions that enclose it.

Views and vistas open up the area visually. Many of the streets such as Bleeker and James offer directed views down their length (toward Eberhardt Hall and Washington Park in these examples). Area wide panoramic views occur at the various entrances to Washington Park and on high points of land such as the High/Central/Sussex intersection where much of the downtown skyline comes into view. There are also many unexpected and surprising views - of the skyline across a vacant lot along Boyden Street or a block interior rich with landscaping glimpsed from Central Avenue.

Many individual areas within the James Street Commons have a high level of ambience. One of the elements contributing to this positive atmosphere includes the strong spatial definition. Examples are the continuous line of row houses on James Street, the larger, more massive buildings edging Washington Park, and the tight commercial frontage along Halsey, terminating at the park. Another element is the engaging details which are everywhere - the rusticated stone of the Romanesque structures, the iron-work of railings and gates, the detail of church steeples, fine brickwork, heavy old doors and cornices. They arrest the eye and give something new to look at every trip. Finally, there is the presence of visible activity and diverse people using the area - the noon-time bustle around Washington Park, residents sitting on their stoops watching the passing scene, shopping activity along Halsey Street, and the sound

of children coming and going to Burnett Street school.

32-38 Washington Street



37-39 W. 21st



## 2. Architectural and Streetscape Analysis

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The years 1830 to 1930 -- to which practically all the surviving structures in the James Street Commons belong -- were characterized by a variety of architecture unmatched by any other century in architectural history. Many of the "styles" might more properly be called "fashions" that overlapped and merged at the whim of the builder.

Most buildings in the area were designed by amateurs rather than professionally trained architects and hence when compared to academia's "correct" work, can be called "vernacular". However, the word is used in this report to only describe those buildings that do not exemplify any recognized style. They are essentially "non-stylistic" structures.

Many of the Common's structures have been altered, particularly on the ground floor or else added-to since they were built. These changes are rarely compatible with the original and in these cases, some guess work has been involved in deciding on the original appearance and style.

What are known as the "Revival styles" -- Greek Revival, Romanesque Revival, Italianate, etc. -- are characteristics of the first half of the nineteenth century. They were broad movements, often nationwide in scope, and, while there was some overlap, they generally succeeded one another a decade or two apart. The 1880's through the 1920's, however, is known as the "Eclectic period" when designers arbitrarily selected, and adopted, whatever style took their fancy at the moment -- sometimes combining two or more styles in the same building. With one exception the report uses the prefix "neo-" to simply indicate a design of the Eclectic Period. The exception is "Neo-Grec", spelled with a capital N; this was a style imported from France in the 1870's together with its French name.

Listed below are descriptions of the various styles in the James Street Commons. Illustrations of actual buildings in the area representing each style are included. A glossary of architecture terms used in these descriptions appear in the appendix.

### AD Art Deco

Art Deco was a self-conscious creation inspired by the 1925 Paris Exposition des Arts Decoratifs. It had a ten-year course of wide popularity. Interest in it is currently being revived. Art Deco, as the name implies, is more a system of decoration than a style of architecture, and it was equally applied to furniture, fabrics, typography and crafts. It is characterized by diagonal lines, zig-zags, polychromy and by panels crowded with curvilinear forms in very low relief and with a flat front plane. The simplified later phases of this style, dating from the 1930's, is sometimes referred to as "Moderne".

The southwest corner of Halsey and Linden Streets (87-89 Halsey, 2-10 Linden) is an example whose upper portion is well preserved. The northeast corner of Washington and Linden Streets (132-138 Washington, 13-25 Linden) is another good example, again, the upper portion only. Finally, the northwest corner of Halsey Street and Central Avenue (9-15 Halsey, 31-39 Central) -- again the top portion only -- is a good example of "Moderne".

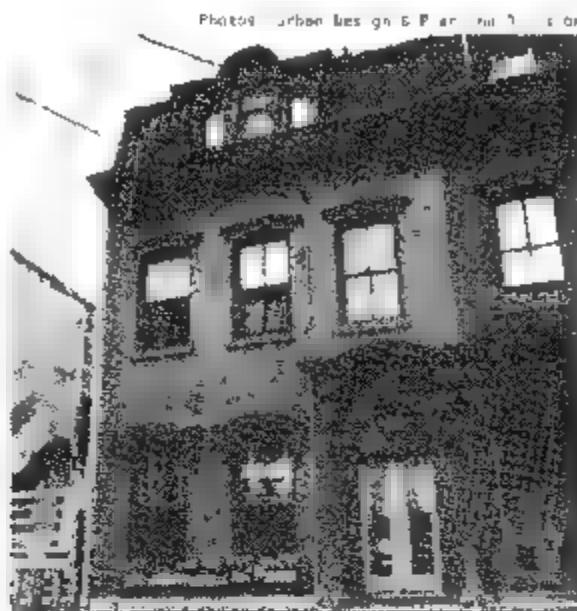
### F Federal

After the American Revolution, there was a reaction against the stiff formality of the mother country. The traditionally classic forms were made lighter, their proportions attenuated, and ornament became graceful and elegant. This was the Federal style, which Alan Burnham refers to as "our architectural Declaration of Independence".

It is characterized by tall, slender Ionic columns which flank a typically six- or eight-panel door. The sidelights and transom lights are leaded. The cornices and other details are delicately carved. The entablature in the doorway is often broken back over the door itself. Flemish bond is used for the brickwork and rectangular stone lintels with incised panels are typical. Quoins are rare.

Numbers 86 and 88 University Avenue are remarkable survivors. The door enframements, but not the doors, appear to be original. The Italianate ironwork dates from a later period.

French Second Empire  
17 Burnett Street



neo-Gothic on  
23 James Street



Photo: Urban Design & Planning Division

### nFI neo-Flemish

It is typical of the Eclectic period that the same architect who designed the neo-Romanesque Ballantine Mansion should have designed its stable in a neo-Flemish style. The fine brickwork, the decorative wrought iron terminals to the tie rods, the extension of the front wall through the eaves to form dormers, the salient triangles of the dormer roofs and the rounded slates on the roof itself are all characteristic.

The only example of this style in the Commons is the stable at 114-118 University Avenue

### FSE French Second Empire

As popular in the United States of President Grant as it was in the France of Napoleon III - and for the same reasons - was the opulent and flamboyant French Second Empire style. It is easy to identify by the steep mansard roof, pierced by ornate dormers, that always crowns these buildings. What goes on below is like a fully orchestrated symphony - intricate, rich, yet firmly under control. The few examples of this opulent style that have survived in the James Street Area are 'vernacular' in their greatly simplified interpretations.

Number 17 Burnett Street as an example does not have a true dormer on its mansard roof, but surprisingly enough, it incorporates a pair of neo-Gothic windows! Similarly for 23 Burnett Street, the tripartite dormer is not characteristic and the ironwork is more delicate than what would have been expected.

### nGeo neo-Georgian

This was a 20th century (and very late 19th century) attempt to revive the style which English settlers had imported to their eastern seaboard colonies. It is characterized by a chunky solidity of proportion, ornate enframement of the main doorway which is often flanked by columns and crowned by a pediment. There is, typically, a full entablature at the eave line and a cornice enriched with modillions. Bricks are set in Flemish bond, stone

Tintels have squared ends or else a wide open not are headed with flat or segmental arches of red or brick, often with a splayed keystone, or a double keystone. Quoins are common at the corners.

Number 29 James Street (Northwest corner of Essex Street) is a good example. Note that the Flemish bond of the original brickwork has been imitated in the 'permastone' which covers the upper part of the building. Heavy quoins in contrasting color brick, and fan-shaped voussoirs over windows are characteristic of this example at 257 High Street (Northwest corner James Street). Number 57-59 Washington Street shows the typically eclectic manner of intermixing the neo-Georgian elements with neo-Federal details as to justify, equally well, a classification in the latter style. The only clues in this example of vernacular simplification at 52-54 University Avenue are the splayed lintels and splayed double keystones.

## GrR Greek Revival

Greek Revival buildings are characterized by a flat, clean-shaven look. In row houses, doorways are flanked by Ionic pilasters or columns and are crowned by flat entablatures. Simple rectangular panes replace the delicate leading of Federal sidelights and transom lights. A simple cornice ran across the top of the front wall; at most it was ornamented with a row of delicate dentils. Roof slopes are quite flat, and dormers usually are a later addition. Smooth pressed bricks are set in running bond with narrow joints. Stone lintels are often crowned by a simple cap molding and are occasionally peaked with the effect of a very low pediment.

Numbers 165 and 167 University Avenue appear to be rare survivors -- respectively in wood and brick -- of this early style. Note particularly the shallow slope of the roofs (pitching towards the front), the low upper story windows, the fascia board and cornice returned on themselves, the simple dentils and absence of modillions. The 6 over 6 sash appear to be original as do the Greek 'ears' on the window enframements of number 165.



Greek Revival  
257 High Street, Boston

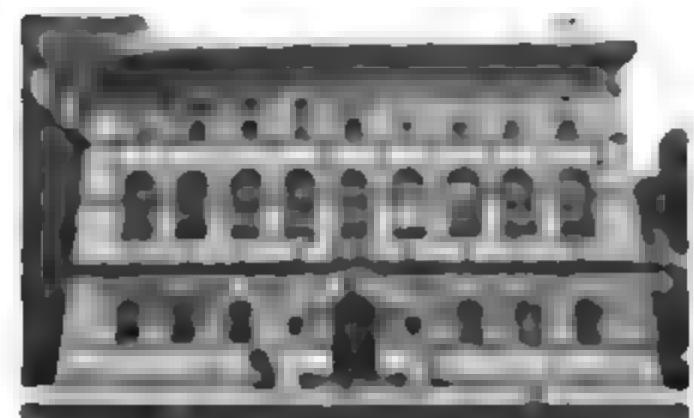


Greek Revival  
165 University Avenue, Boston

Newark Public Library



Far Right  
Reported to be  
50 James Street



The brickwork of number 167 has an occasional header course, instead of being all in running bond, but this may be a vernacular variation. Despite their later facings and loss of most of their trim, 38 and 40 Burnett Street may also once have looked like the University Avenue houses, though their roofs seem to have been raised to make a usable story out of the former attics.

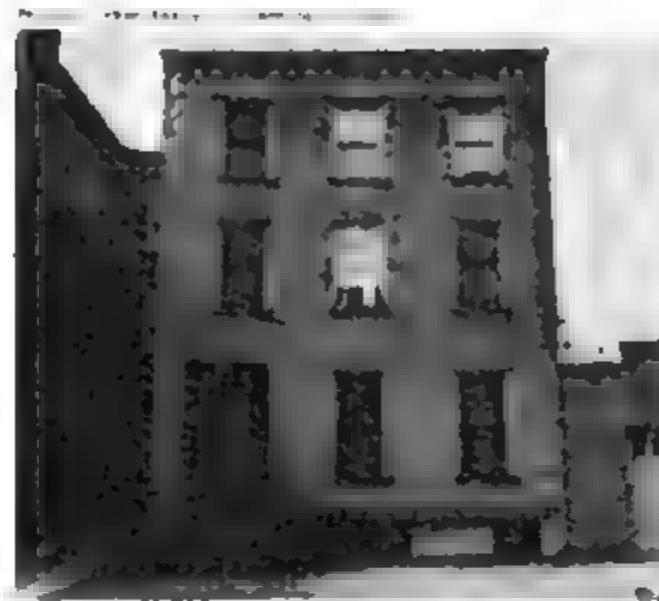
### nGo neo-Gothic

Gothic designs of the Eclectic Period varied all the way from rather dry copies of European prototypes, through imaginative adaptations of Gothic forms to original compositions, to the whimsical application of Gothic details to buildings in other styles.

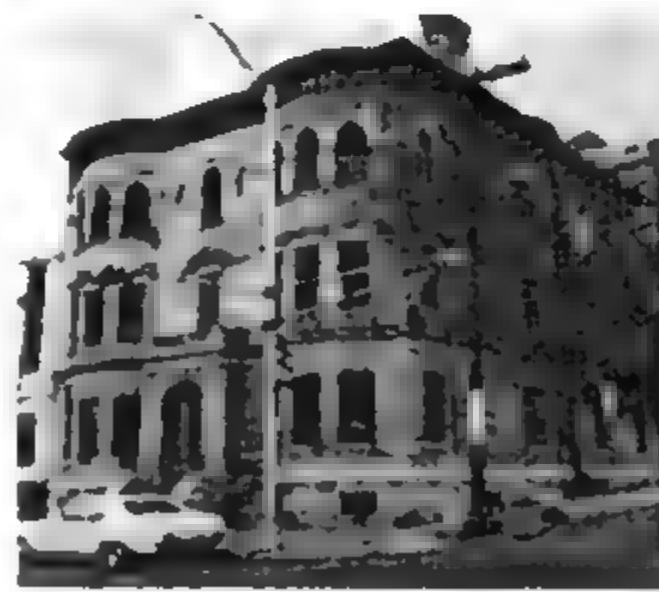
The Second Presbyterian Church (Northwest corner of Washington and James Street) is the academically correct design of William Bayard Willis in 1832. St. Patrick's Pro-Cathedral (Southwest corner of Washington Street and Central Avenue) is a highly original creation in brick and limestone -- part Gothic Revival and part neo-Gothic. It is hard to say now how much of its fine quality would be attributed to Patrick C. Kelley, the architect of 1850, or to Jeremiah O'Rourke, in charge of the reconstruction of 1875. Number 50 James Street is another "original" -- this time, Venetian Gothic motifs have been composed in a fresh and delightful manner. Finally, the south end of St. Michael's Hospital (northeast corner of Central Avenue and High Street) was designed by Jeremiah O'Rourke, though here he seems clumsy and naive. Gothic pinnacles and dormers have been added to the mansard roof of an essentially neo-Renaissance building.

### It Italianate

The original inspiration came from the early Florentine Renaissance. The style is characterized by roundheaded windows, heavy projecting cornices supported by brackets (often in pairs), pediments and heavy balustrades. New Jersey brownstone is the most characteristic material. However, brownstone is often limited to door and window trim on a brick facade, and, in vernacular

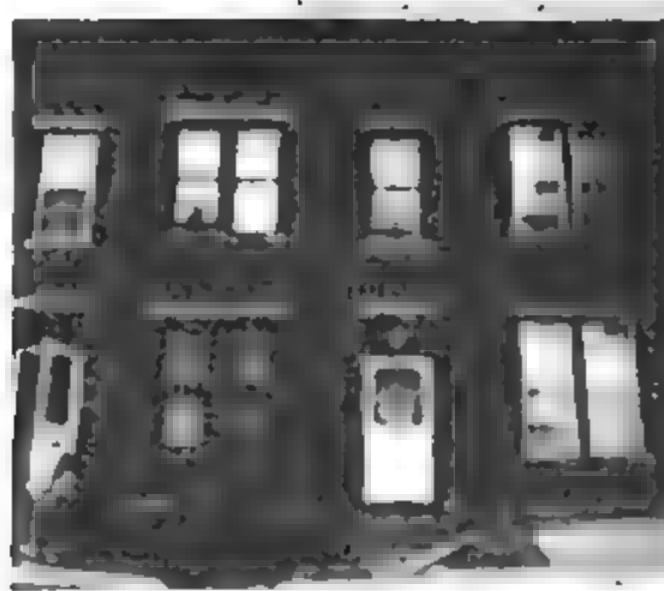


26 Central Avenue



50 James Street

Queen Anne  
49-51 Burnett Street



Queen Anne  
32 High Street



versions, may be entirely replaced by brick. Windows are double-hung with two large panes in the upper and two in the lower sash. So many other confusing variations have a common source in Italy, that we have restricted the term "Italianate" to designate only the simplest forms

Examples include 74 Central Avenue, 37-39 Becker Street, a somewhat freer interpretation, or 27 and 29 Burnett. In this latter example, the gable, formed by the pediments with broken bottom chords, and the round-headed gable windows are the only Italianate clues.

#### nlRen neo-Italian Renaissance

This term is needed for what Whiffen calls "The Second Renaissance Revival" -- i.e., the copying of more opulent prototypes than those which inspired the earlier Italianate. Rusticated basements, arcade windows -- frequently separated by pilasters, delicately carved details, escutcheons, wrought iron gates and lanterns are all characteristic. Openings are typically flat headed or round headed.

The Veterans' Administration Building, Washington Place between Halsey and Washington Street is, in its lower stories, reminiscent of a typical Florentine palazzo. A richer and more complicated example, is the Newark Public Library at 5-11 Washington Street. The Newark Museum, 47-65 Washington Street, is a late example in which the detail has been so simplified, or altogether eliminated, as to provide few clues to its esthetic ancestry. Finally, 259 High Street (Southwest corner of James Street) illustrates how this style was modified so as to fit the scale of an elegant townhouse. The rough stone basement and bands between the top story windows suggest some neo-Romanesque influence.

#### NGrec Neo-Grec

"Neo-Grec" is really a system of ornamentation. Despite its name, it has little recognizable connection with anything Greek. It is most easily

Identified by dots and doodles, circles, diamonds and squiggles cut into smooth-faced stone surfaces to a shallow uniform depth and which look more drawn than carved. It has a machine-made appearance and actually the carving was done by a routing machine guided by stencils.

Number 86 Washington Street is a well-preserved example which retains its original ironwork. The group at 52, 54 and 56 Burnett Street clearly show a characteristic lintel form in which the soffit slopes upwards from both sides towards a central, pendant 'drop'. However, by through 61 James Street provides the best surviving example in the area of a group of buildings designed as a unified row. The little tower at number 49 punctuates the end of the row.

#### QA Queen Anne

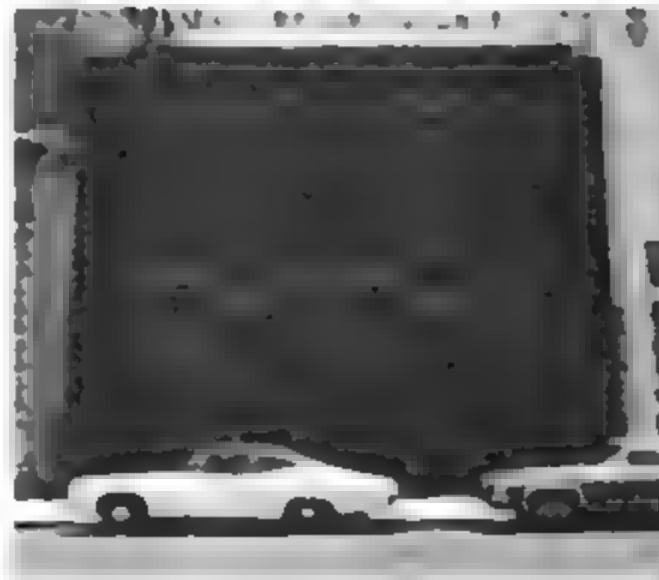
The Queen Anne style has absolutely nothing to do with the lady who reigned over Britain from 1702 to 1714. It was the creation of Richard Norman Shaw, an English Architect of the Second Half of the 19th century, who, searching for a cozy Picturesque style, combined Romanesque elements with details taken from Elizabethan cottages and motifs from the Flemish Renaissance. Alan Burhan calls it a "potpourri".

The style was introduced to the United States by the British Pavilion at the 1876 Philadelphia Exposition and became very popular for row houses in the 1880s and 1890s. It is characterized by a restless multiplication of gables, chimneys, porches and wide archways. Decorative brick bonds and panels, and terra cotta inserts, often in color, are common. Window sash are frequently surrounded by bands of tiny panes or glazed in elaborate diagonal patterns.

Number 158 Washington Street is a well-preserved example, though unfortunately, the masonry has been painted. A typical device is illustrated by 327 High Street: the enclosure of two adjoining front doors within a single wide archway. The rough stone basement suggests the non-Romanesque. Numbers 49,



26 Washington Street



26 Washington Street (at Church Street)

For Right  
Romanesque Rev  
62-72 Central Avenue

49<sup>1</sup> and 50 Burnett Street with their bay windows and 26 through 32 James Street are good examples of Queen Anne row houses. Finally, 111 through 117<sup>1</sup> University Avenue show how even the most simplified examples of the style can be identified through the characteristic sunburst motif on the fascia boards.

### RenR Renaissance Revival

This category, defined by Clay Lancaster, is characterized by the heaviness of the cornices over doors and windows. These are often either segmental in form, or segmental with upturned ends -- the "eyebrow" shape -- and are supported by prominent, highly ornamental brackets.

Number 131 University Avenue is an example which retains its original door, door enframement and iron-work.

### RoR Romanesque Revival

The revival of Romanesque architecture, like the revival of Gothic, had an early, somewhat naive, and a later, more academic, phase. The characteristics of the first period are rough hewn masonry, rounded headed openings (often grouped together), horizontal bands between the windows and masonry corbels of all sorts.

The three bays that survive from an earlier era on the north side of James Street just west of the present Second Presbyterian Church illustrate all these elements. St. Patrick's Parochial School, 62-72 Central Avenue, is a late example, but the brick corbels under the cornice and the rough Intelis are typical.

### nRo neo-Romanesque

The eclectic phase of Romanesque was so dominated by the work of Henry Hobson Richardson (1838-1886) that it is often referred to as Richardsonian Romanesque. Beside the use of round headed openings, deep recesses, broad and stubby piers and stone or brick corbels, Richardson placed great emphasis on the selection of materials to honestly express their structural functions.

Photos - Urban Design & Planning Division



For Right  
neo-Tudor  
95 Washington Street





Number 76 Washington Street (Northeast corner of Central Avenue) illustrates all the Richardsonian characteristics and has been well preserved. A much simpler example is 39 Washington Street (the Ballantine Mansion). Though incorporating certain Victorian Gothic details in the entrance porch, its general air of stolid chunkiness seem to justify its neo-Romanesque classification. Numbers 44 and 44-A James Street and 35 Burnett Street illustrate a less pretentious application of the style of row houses.

Far Left:  
Victorian Gothic  
14-20 Linden Street

### NT neo-Tudor

The eclectic architect let his choices range far afield -- even the Tudor style of sixteenth century England was drawn upon. The very flat arch, sharply rounded at the springline and very slightly curved as it rises to a central point, is an unmistakable characteristic of this style.

St. Patrick's Rectory, 95 Washington Street (Northwest corner of Bleeker Street) is the area's only example. It was also designed by Jeremiah O'Rourke.



### Victorian Italianate

Wiflin distinguishes later phases of Italianate as "High Victorian Italianate" in which stilted segmental arches spring from a point well above the impost. This variation is the one most commonly found in the James Street Commons. Ornamental brackets are frequently added to emphasize the impost blocks.

Far Left:  
Vernacular  
295 High Street

The Polhemus House, 69 Washington Street, is an elegant example. Numbers 14 through 20 Linden Street show how the style was applied to much more modest row houses. Finally, 89 James Street illustrates the imitation in brick of a stone enframement.

### V Vernacular

As explained above, the designation vernacular is used for structures that simply cannot be made to fit into any of the stylistic categories. This does not necessarily imply that they are not worth

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preserving. Some are highly imaginative and should be preserved for what they are.

The term used alone has been limited to residential structures, mostly of the nineteenth century.

Number 20 Summit Street is an example in which the original has been so covered up (or stripped off) as to leave no identifiable clues as to the original style. At 261 High Street, elements from various styles are so mixed as to make a simple designation impossible. Other examples include 117 James Street, so simple a design that it never pretended to have a "style" and 295 High Street which, while it may have a vaguely stylistic flavor (Italianate in this case), is too indefinite to warrant inclusion with its more "stylish" neighbors.

#### VC Vernacular Commercial

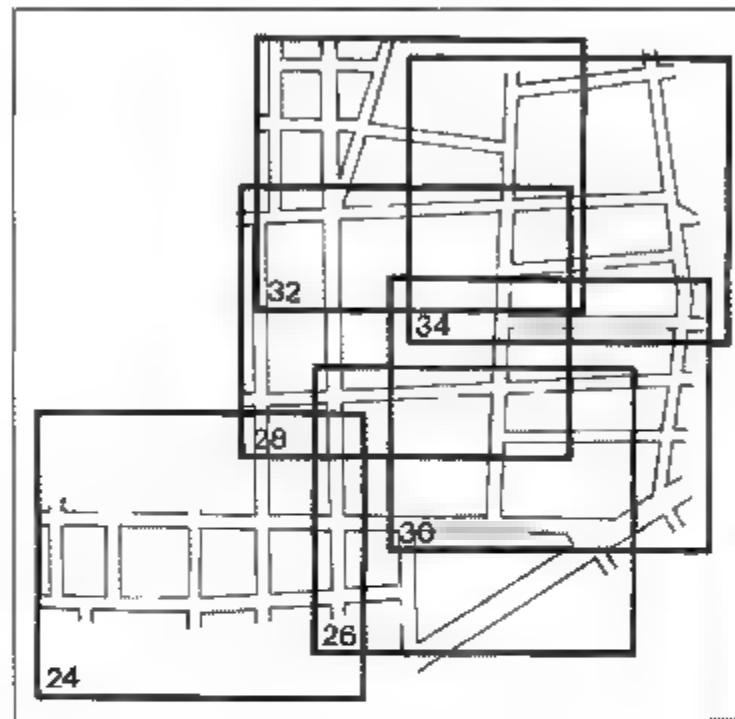
This term has been restricted to commercial structures, mostly built during the first three decades of the twentieth century. They are essentially utilitarian.

They include such examples as 144 Washington Street and the structure at the Northeast corner of Summit and Sussex Streets, (industrial buildings); the north end of St. Michael's Hospital on High Street (institutions); 178 Orange Street (apartments), and the Blue Cross Blue Shield Building at 29-33 Washington Street, (contemporary office buildings).

Quite a few commercial buildings have attempted a stylistic gesture, but remain essentially non-stylistic. These include the structure at the southeast corner of Bleeker and Washington Streets which suggests the Spanish; numbers 92-94 Washington Street, suggesting Italian Renaissance, 236 High Street, suggesting Federal, and 240-250 High Street suggesting Georgian.

## Introduction-Streetscape Maps

The maps which follow describe the features of the streetscape and locate each structure, noting its style and address. This is an up-to-date record of those elements that create the visual character of the James Street Commons. Photographs of selected block frontages supplement these maps. A complete set of photographs of all block frontages in the James Street Commons are on file with the MPDO.



Streetscape Key Map  
by Page Number



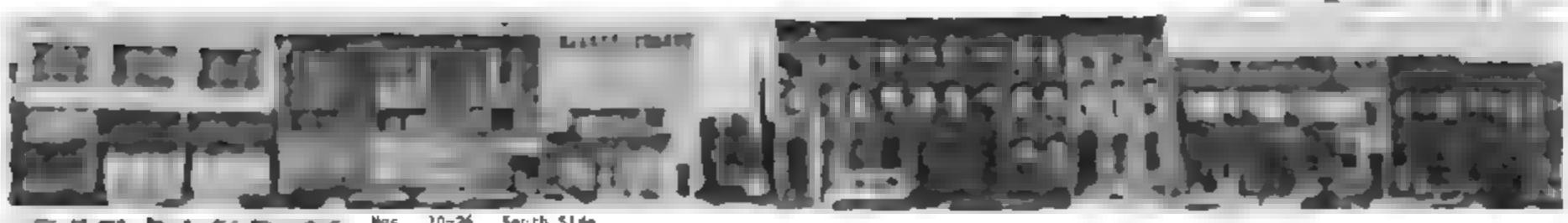
## Historic Styles

- AD Art Deco
- F Federal
- NFL neo-Flemish
- FSE French Second Empire
- NGeo neo-Georgian
- GRe Greek Revival
- nGo neo-Gothic
- It Italianate
- nRena neorenaissance Renaissance
- nGre neo-Grec
- QA Queen Anne
- RenaR Renaissance Revival
- RoR Romanesque Revival
- nRo neo-Romanesque
- nT neo-Tudor
- VictV Victorian tallante
- V Vernacular
- VC Vernacular Commercial

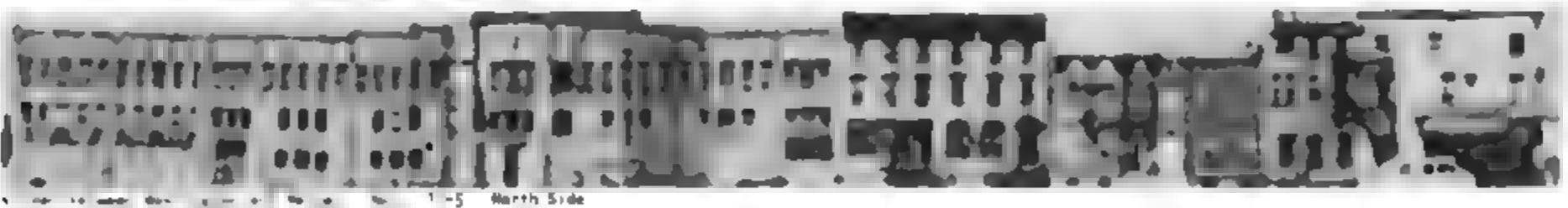
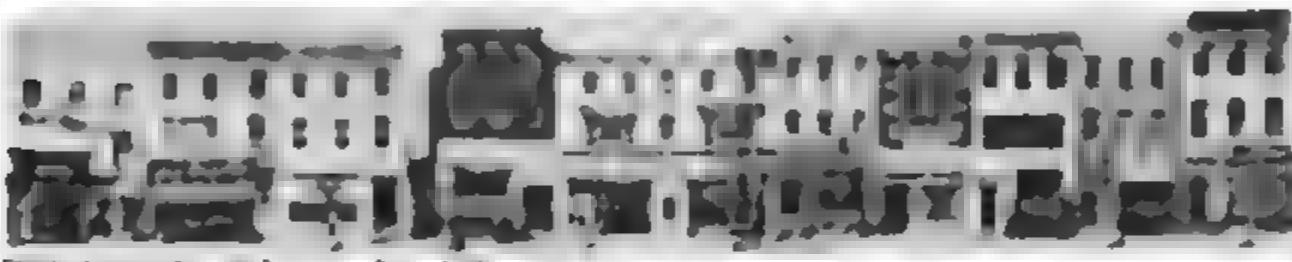
## Streetscape

- Residential entrance
- Non-Residential entrance
- Guest entrance
- Scoop entrance
- Direction and lanes of TRAFFIC
- Projecting Sign
- Slope down
- Overhead Telephone Cables
- Area Landmark
- Architectural Prototype
- Parking
- Bus Stop
- Mail box
- Phone
- Telephone
- House Number
- Stop light
- Street sign
- Trash cans
- Directed views with object noted
- Panoramic views with object noted
- Sidewalk Public Space
- Sidewalk poor condition
- Tree plantings
- Landscaping

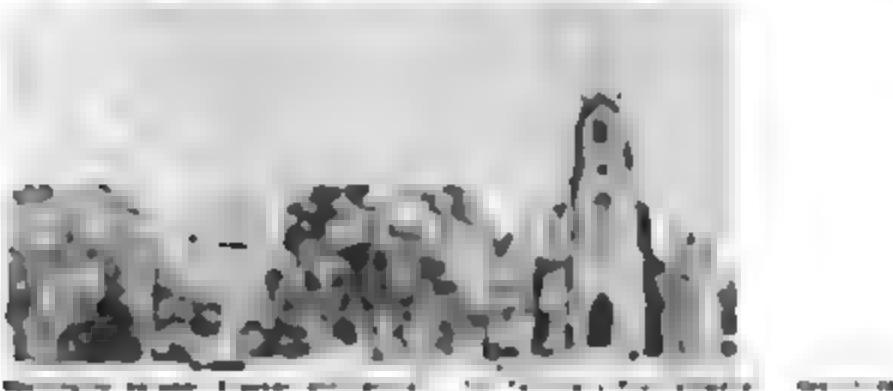




Nos 10-26 South Side



1-5 North Side



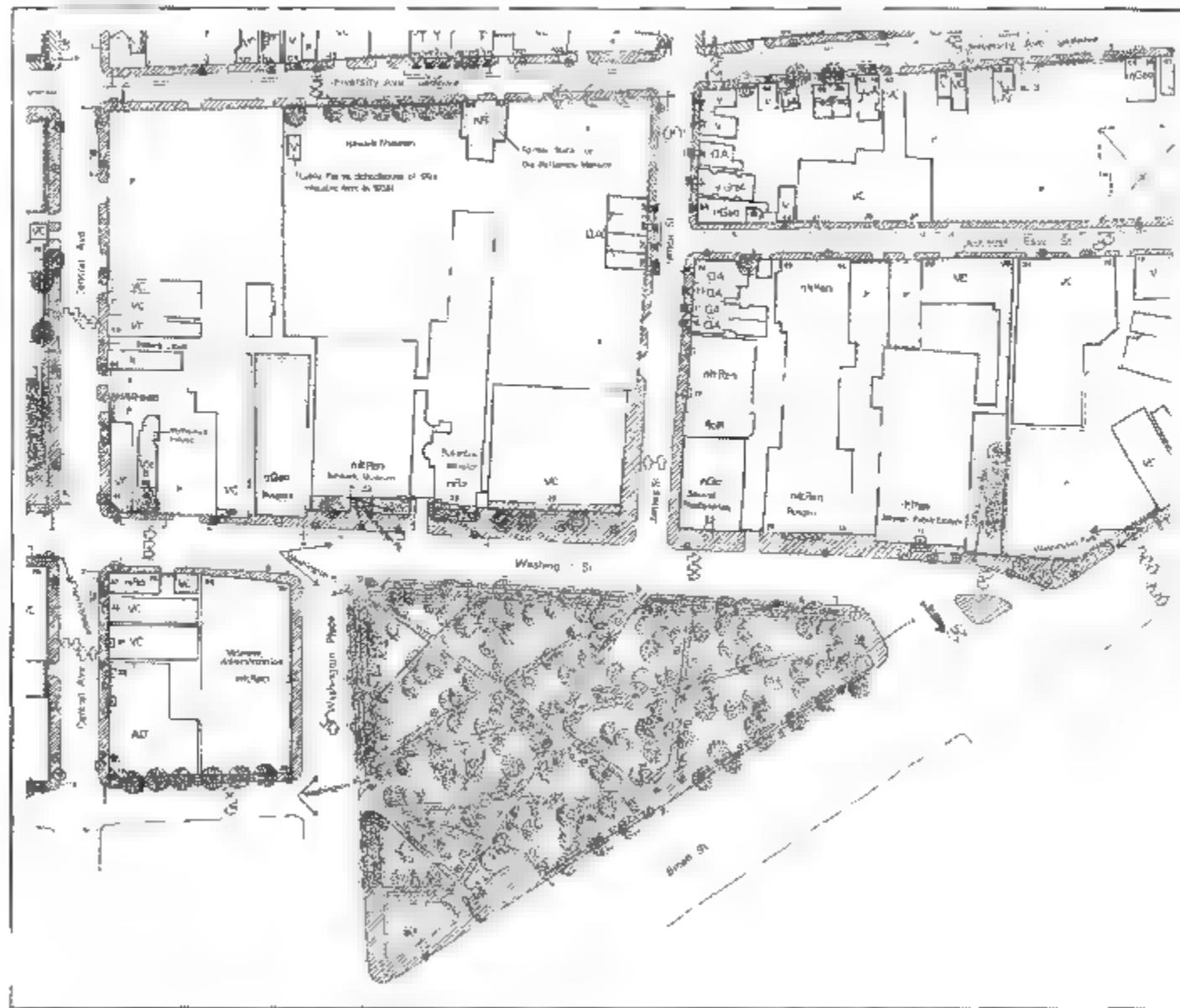


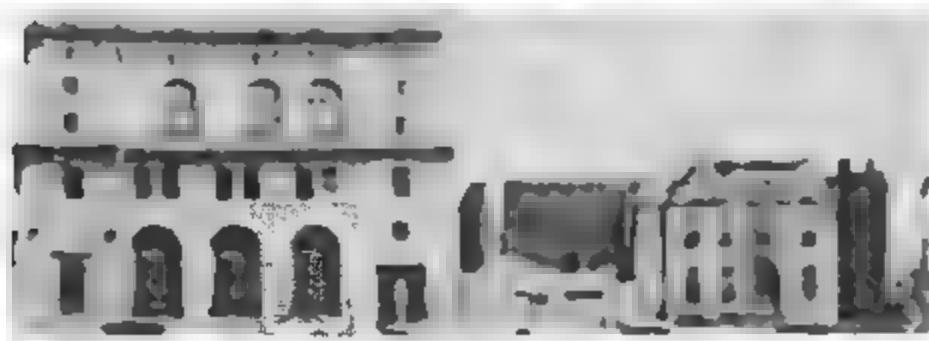
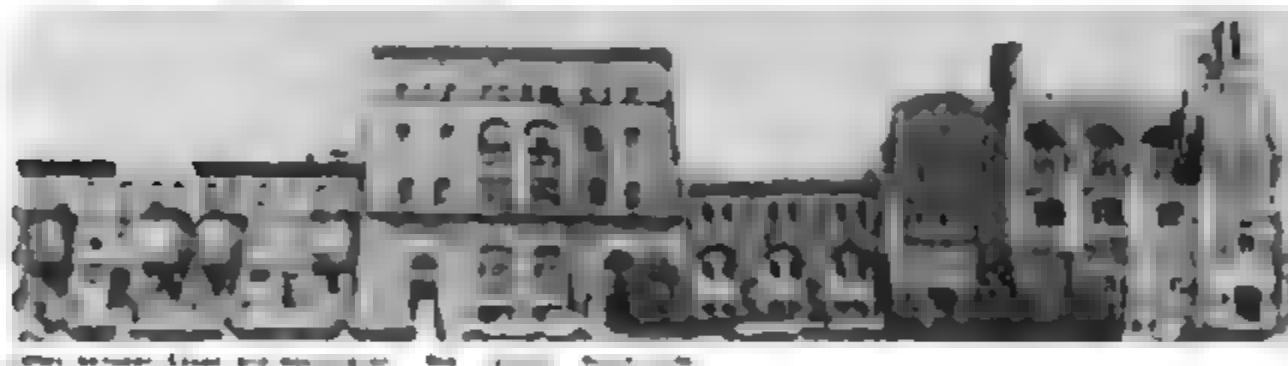
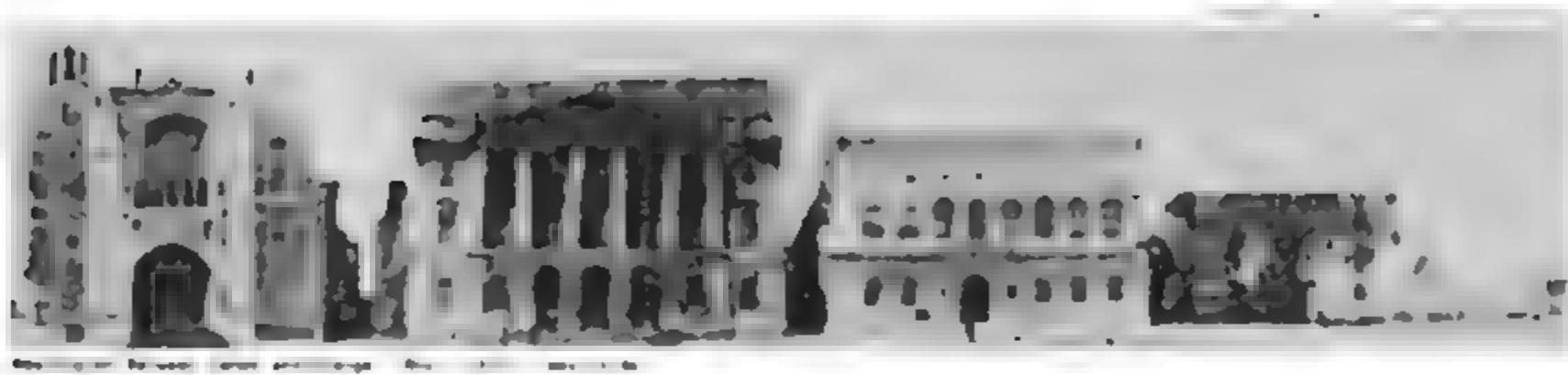
## Historic Styles

- AD Art Deco
- F Federal
- NFI neo-Flemish
- FSE French Second Empire
- nGeo neo-Georgian
- GR Revival Great Revival
- nGo neo-Gothic
- It Italianate
- nRenaissance Revival Renaissance
- nGreco neo-Grec
- QA Queen Anne
- Renaissance Revival
- Renaissance Revival
- nRoc neo-Rococo
- nT neo-Tudor
- Vizcaya (La Giralda)
- V Venetian
- VC Vernacular Commercial

## Streetscape

- Residential entrance
- Non-Residential entrance
- Inset entrance
- Stoop entrance
- Direction and Lanes of Traffic
- Projecting Sign
- Slope down
- Overhead Telephone Line
- Area Landmark
- Architectural Prototype
- Parking
- Bus Stop
- Mailbox
- Furniture
- Telephone
- House Number
- Stop Light
- Street Light
- Trash Can
- Directed views with object noted
- Panoramic views with object noted
- Sidewalk Public Space
- Sidewalk poor condition
- Tree locations
- Landscaping





Washington between Washington Place and Central Ave 76-32 East 5 Av

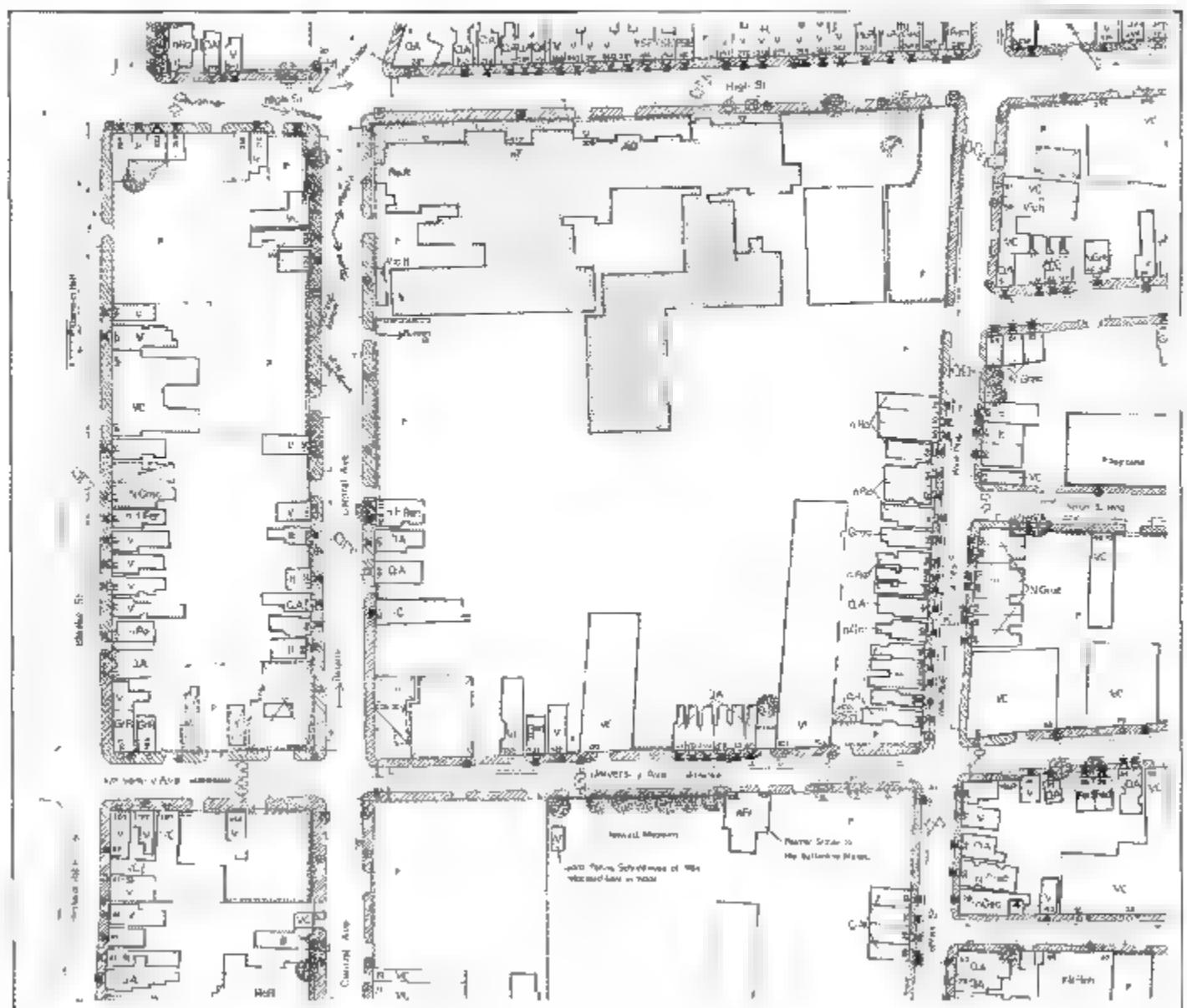


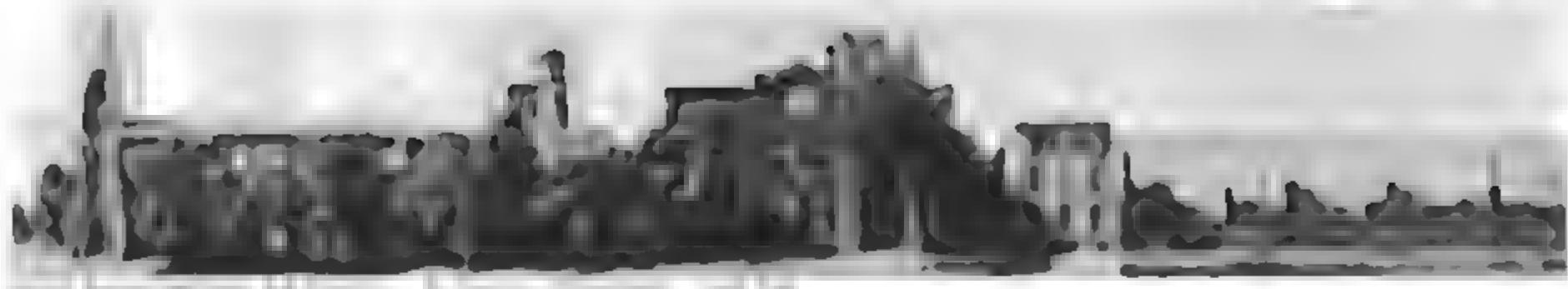
## Historic Styles

- AD Art Deco
- F Federal
- nFL neo-Federal
- FSE French Second Empire
- nGO neo-Georgian
- G/R Greek Revival
- nGO neo-Gothic
- It Italiante
- nIR neo-Italian Renaissance
- nGR neo-Grec
- QA Queen Anne
- RnR Renaissance Revival
- RnR Romanesque Revival
- nR neo-Romanesque
- nT neo-Tudor
- Vi Victorian Italianate
- V Vernacular
- VC Vernacular Commercial

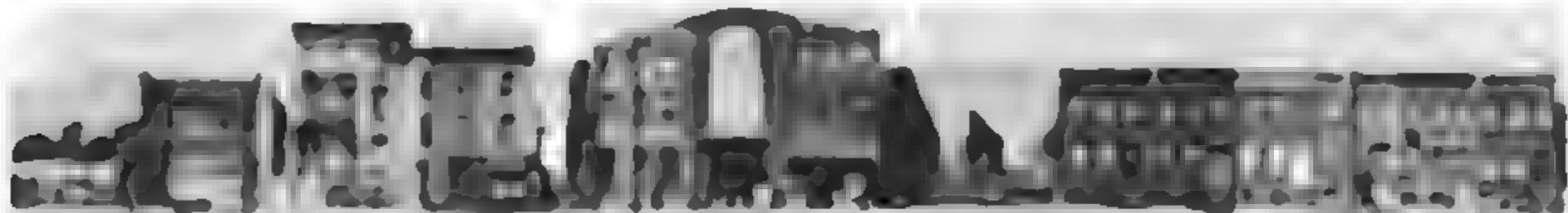
## Streetscape

- Residential entrance
- Non Residential entrance
- Inset entrance
- Studio entrance
- Directions and names of Driveways
- Projecting Sign
- Stop down
- Overhead Telephone Cables
- Area Landmark
- Architectural Prototype
- Parking
- Bus Stop
- Mail box
- Fire hydrant
- Telephone
- House Number
- Stop light
- Street light
- Trash container
- Rectangular cans with object noted
- Panoramic views with object noted
- Sidewalk Public Space
- Sidewalk poor condition
- Tree recent DNS
- Undeveloped

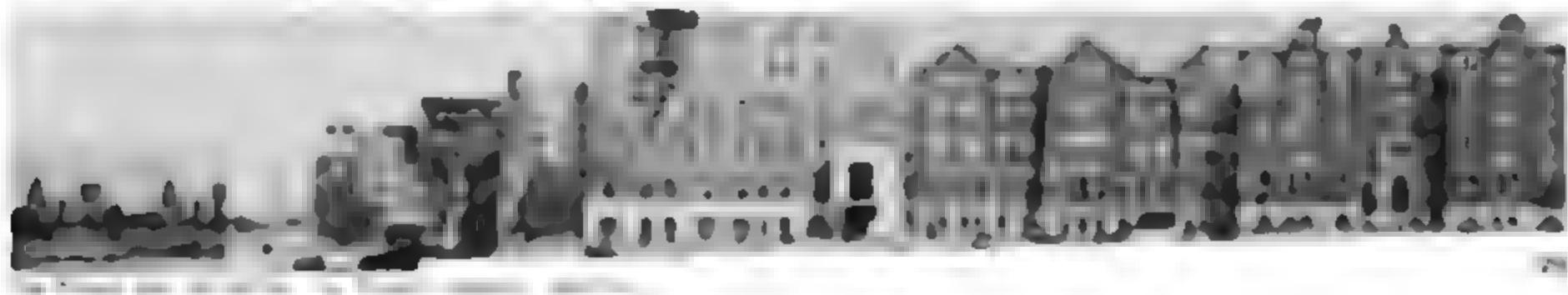


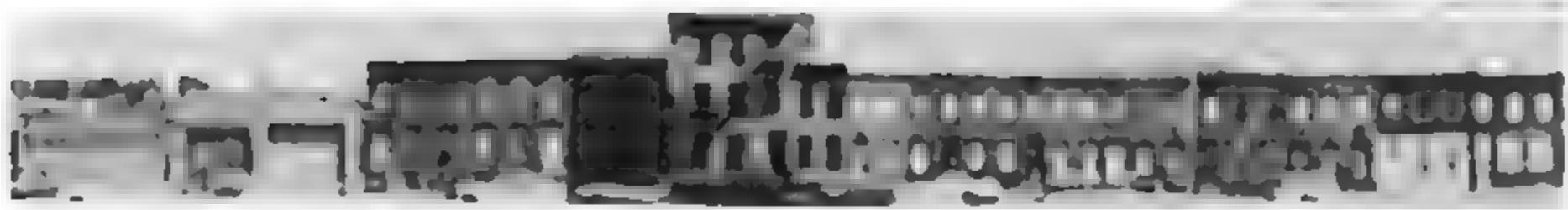


Bleeker between University and Washington Nos. 13



University between Central and James Nos. 1

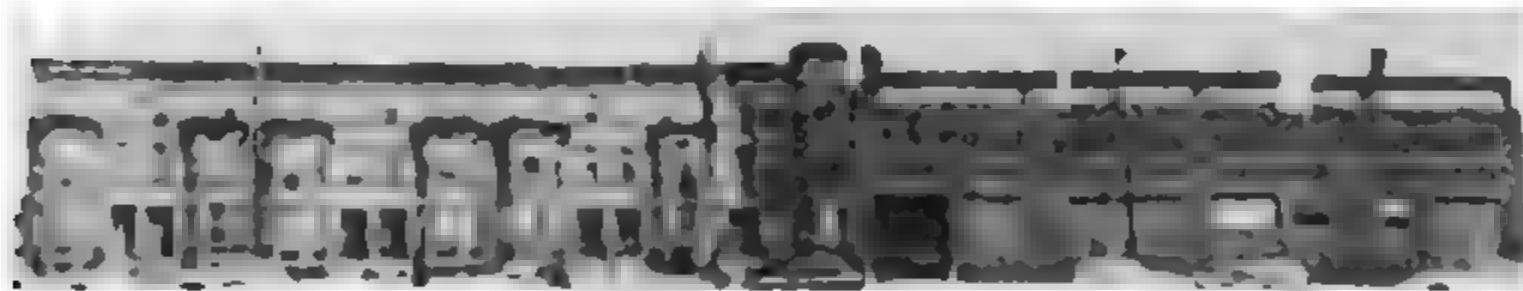




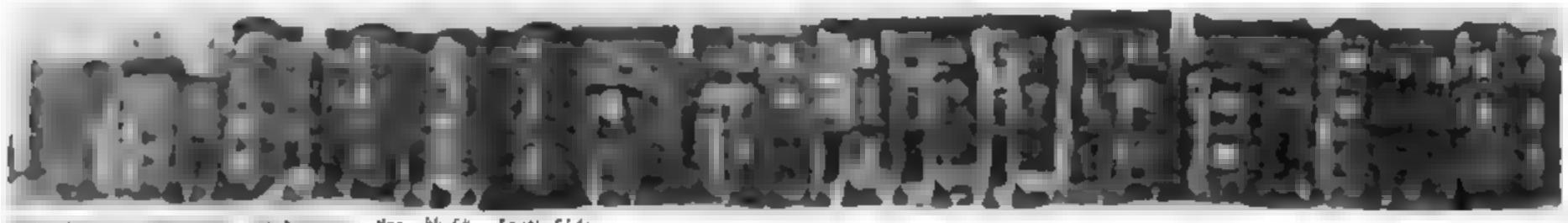
Eagles between Orange and James Nos. 6-26 East Side



62-78 South



James between Eagles and University Nos. 61-49 North Side



Nos. 44-64 South Side



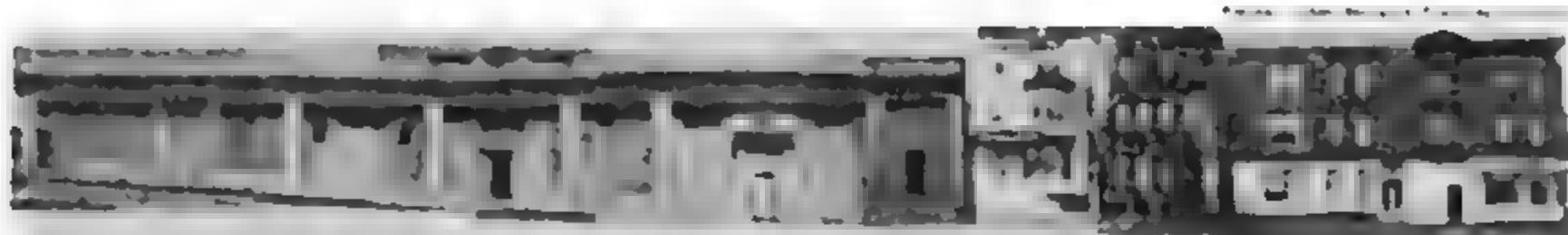
## Historic Styles

AB	Art Béco
F	Fédéra
nfl	neo-F. art'sh
FSe	French Second Emp re
nGeo	neo-Georgien
GrA	French Rev'va
nGo	neo-Gothic
It	La-annate
nBar	neo-Baroque Baro-clânce
nGrec	neo-Grec
QA	Queen Anne
Renn	Renaissance Revive
RoR	Renaissance Reviva
nRo	neo-Renaissance
nT	neo-Tudor
Vict	Victorian Ital' annate
V	Vernacular or
VC	Vernacular Comport a

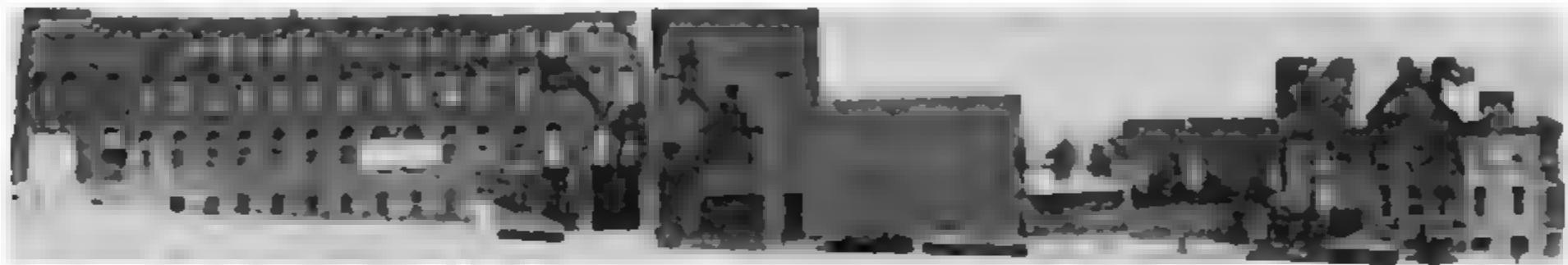
Streetscape

- Residential entrance
- Non-Residential entrance
- Street entrance
- Steep entrance
- Direct on and lanes of traffic
- Projecting sign
- Slope down
- Overhead Telephone Lines
- Area Landmark
- Architectural Prototype
- Parking
- Bus Stop
- Mailbox
- Firebox
- Telephone
- House Number
- Stop light
- Street light
- Trash container
- Decorated views with object noted
- Panoramic views with object noted
- Sidewalk Public Space
- Sidewalk poor condition
- Tree location
- Landscaping

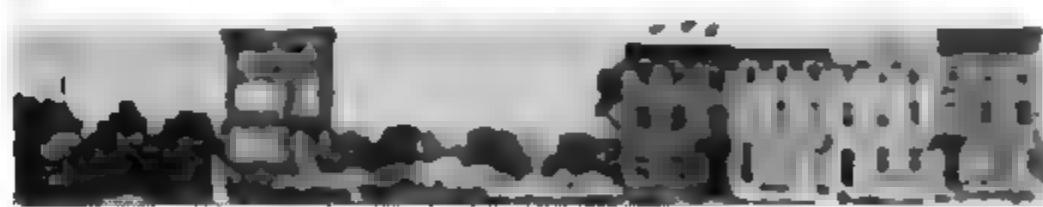




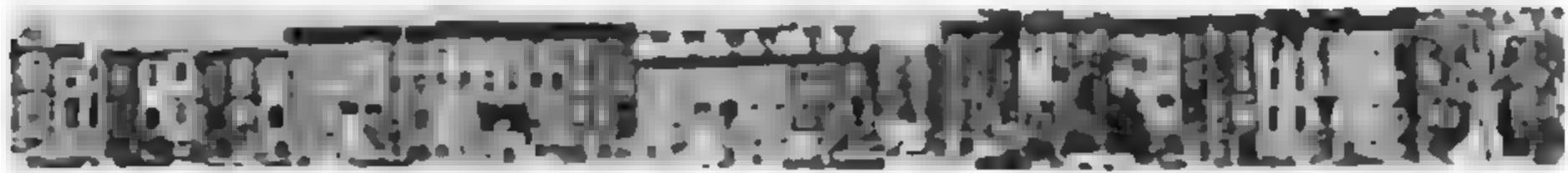
Brown Building from 1st St. N.W.



Corner of 1st and G St. N.W.



High between Central and Bleeker May 3 2-326 East Side



High between Central and Jones Nov. 295-263 West Side

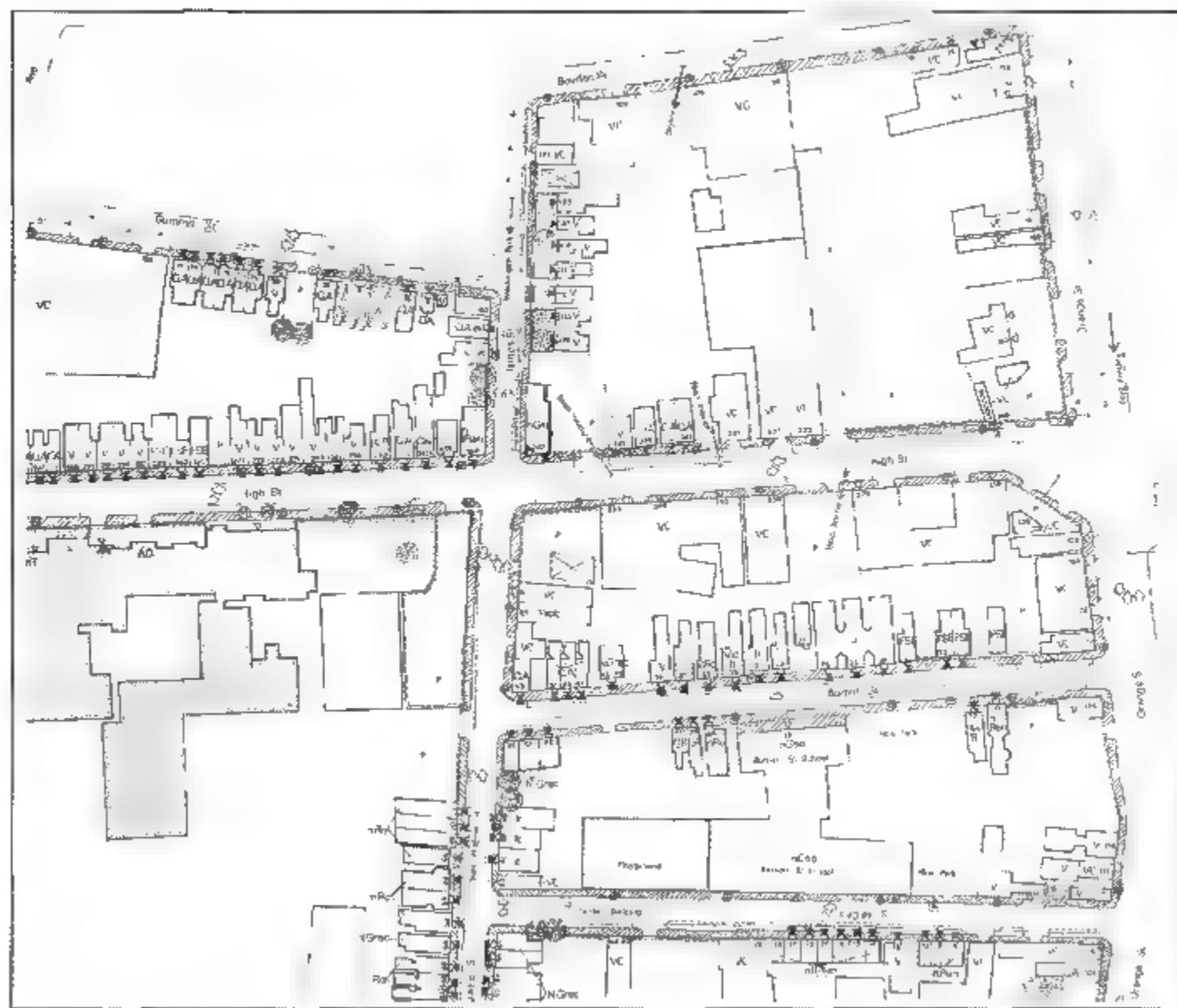


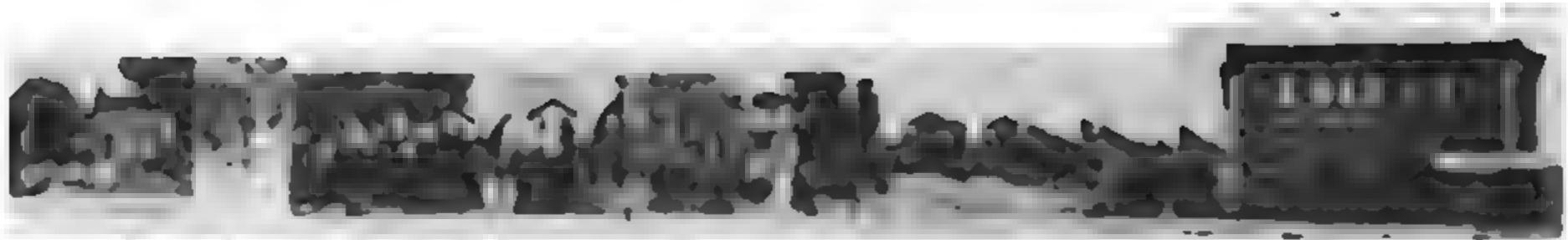
## Historic Styles

- AD Art Deco
- F Federal
- MF Mid-F Federal
- FSE French Second Empire
- nGeo neoclassical
- G/R Greek Rev. style
- nGo neogothic
- It Italianate
- nR/RnR neoclassical Renaissance
- nGre neoclassical
- QA Queen Anne
- Rena/R Renaissance Revival
- Ro/R Romanesque Revival
- nR/R neorenaissance
- nT neo-Tudor
- Vict Victorian or calligraphic
- V Vernacular
- VC vernacular commercial

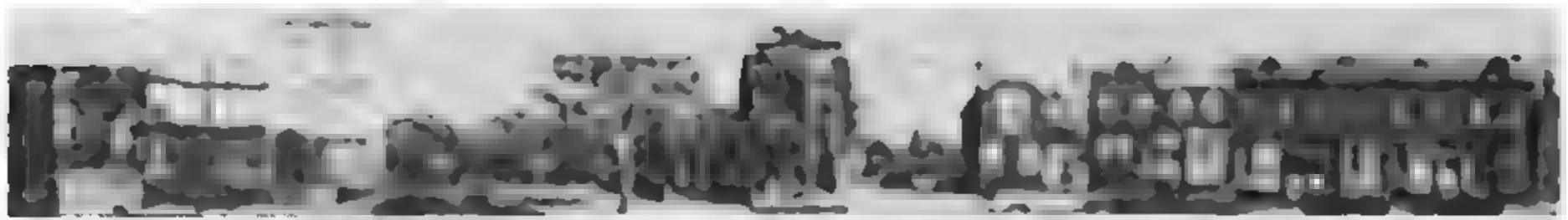
## Streetscape

- Residential entrance
- Non-Residential entrance
- Inset entrance
- Step entrance
- D recolon and Lines of Traffic
- Projecting sign
- Slope down
- Overhead Telephone Cables
- Area marker
- Architectural Prototype
- Park sign
- Beside
- Holiday
- Firebox
- Telephone
- House Number
- Stop light
- Street light
- Trash cans out
- D reflector w/ out w/ object noted
- Penumbra w/ out w/ object noted
- Sidewalk Public Space
- Sidewalk in poor condition
- Tree plantings
- Landscaping

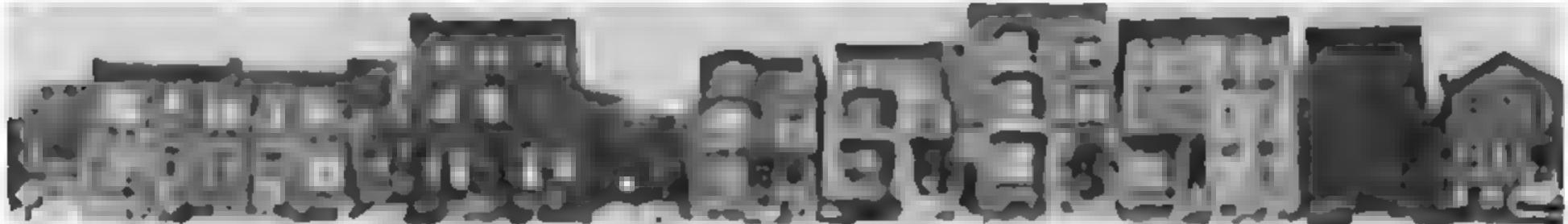




Nos. 96-100 South Side



Summit between James and Sussex



Burnett between James and Orange Nos. 51-27 West S -

### 3. Architectural Guidelines and Prototypes

While it may seem obvious that "Ye Orange Street Tire-Patching Shoppe" in Old English block letter has as little to do with 19th century Newark as would a flashing neon sign, it may be less clear than the tiny diamond shaped panes of a mediaval house would be as intrusive on an Italianate facade as a plate glass picture window. While brick paved sidewalks may seem delightfully old-fashioned, it is probable that most late 19th century walks -- except possibly for some minor lanes -- were paved with bluestone or slate slabs. Research should, in any case, determine the matter before falling into what Ada Louise Huxtable has called 'the sticky trap of 'restoring back' (to) a cross between Williamsburg and Disneyland.'

The moral of this, as well as of all the recommended architectural guidelines which follow is simply save as much as possible of the best that has survived, restore and adapt it as accurately as possible -- but in a sensible practical way, and design new buildings so as to be compatible in mass, color and scale with their surroundings.

High  
Architectural Quality  
Far Right  
James et al.  
945



rather than imitative of them. Above all, restrain any impulse to be quaint.

#### Openings

Nothing is more important to the scale and character of a building than the proportions, spacing and infill of its openings. (Historic Savannah has made an exemplary study of this problem in its basic guidelines for the review and approval of new work).<sup>2</sup>

New openings should not be cut into masonry nor should the size and shape of old opening be altered. It is important that the size and proportion of window panes be appropriate to the style. Storm windows and insect screens should be placed inside the glass sash even though this may sometimes present technical difficulties. Projecting air conditioning units should be avoided. Through-wall units are less obtrusive, but are hardly desirable. If a central air conditioning system is not feasible -- with compressor concealed or

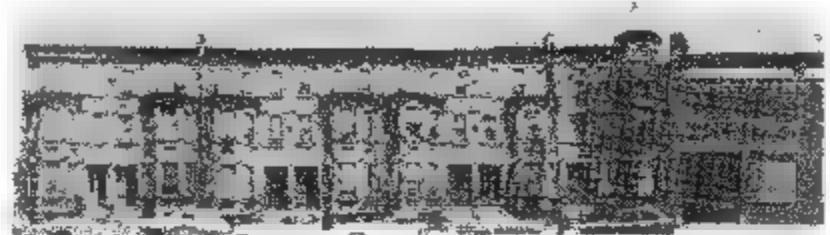


Photos Courtesy of The News & Pub. Board

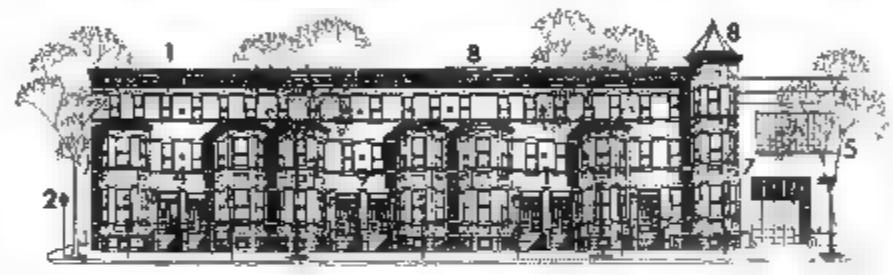
## Suggested Improvements

### James Street (49-61) North Side

- 1 Paint all wood trim to complement brick and provide accent colors at main entrance
- 2 Install new street lighting in style and scale of period
- 3 Remove projecting window sills units
- 4 Add modern glass or frame doors for ambience and safety
- 5 Plant shade trees in wells with protective grating
- 6 Eliminate overhead wires and poles
- 7 Paint brick and concrete trim in acid green brick of esplanade
- 8 Repair Lupela and do a job
- 9 Replace doors with ones of same style



Existing



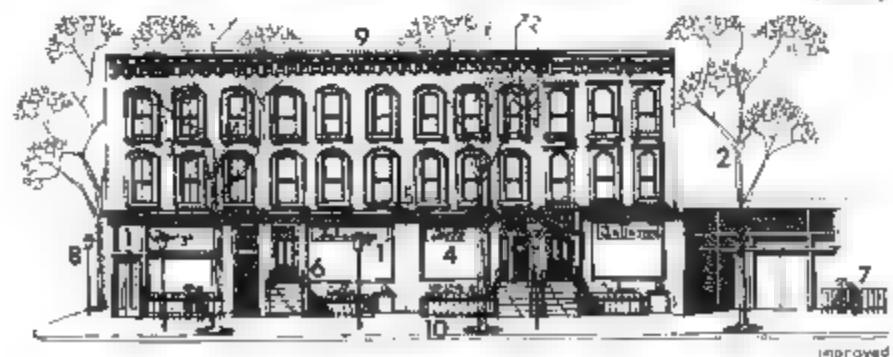
Improved

### Halsey Street (85-29) East Side

- 1 Relocate signs to restricted areas below second floor cornice
- 2 Plant shade trees in wells with protective grating
- 3 Remove metal fire escape and patch brick work
- 4 Replace gothic style frame and head of First Floor window
- 5 Remove portion of missing second floor cornice to main slim one in try of facade proportions
- 6 Repair metal railings at ground floor on ranges
- 7 Provide metal bike racks at convenient locations
- 8 Add new street lights in style and scale of period
- 9 Repair stonework same color and re-align
- 10 Repair iron railings and refurbish basement entrances



Existing



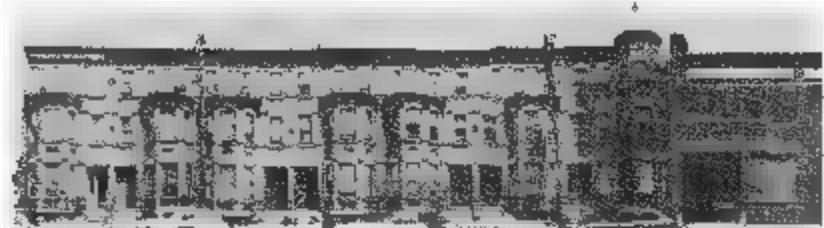
Improved

## Suggested Improvements

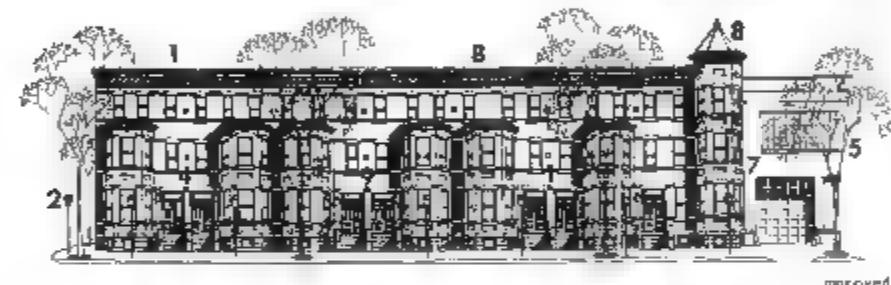
### James Street (49-61) North Side

Paint all wood trim to complement brick and provide accent colors at main entrances

2. Install new street lighting in style and scale of period
3. Remove projecting window boxes
4. Introduce lighting at entrance doors for ambience and safety
5. Plant shade trees in wells with protective grating
6. Eliminate overhead wires and poles
7. Paint brick and concrete to match adjacent brick of residences
8. Repair cupolas and cornices
9. Replace doors with ones of same style



Existing

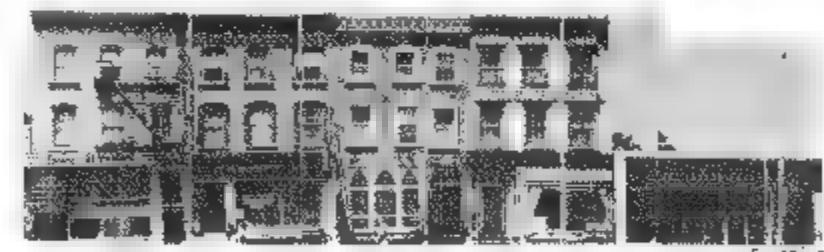


Improved

### Halsey Street 85-79 East Side

Re locate signs to residential areas below second floor cornice

2. Plant shade trees in wells with protective grating
3. Remove metal fire escape and patch brick work
4. Remove "gothic" style frame and head of first floor window
5. Replace portion of missing second floor cornice to match continuity of facade proportions
6. Repair missing railings at ground floor entrances
7. Provide metal bike racks at convenient locations
8. Install new street lights in style and scale of period
9. Repair cornices same color and length
10. Replace iron railings and refurbish base ment entrances



Existing



Improved

the roof or in a rear yard -- then the individual units should be located in side or rear windows

### Paint Colors

Few matters stir up such emotional arguments. Owners usually feel that they have an inherent right to paint their window trim and front doors in colors of their personal choice. Yet a free license in this matter can have a disastrous effect on a blockfront.

Since reaction to color is a subjective matter, arguments along the line of "I like red, you like green" will lead nowhere. The only way to avoid controversy is to establish, at the outset, an acceptable range of colors for houses of various periods and styles. There are two ways to do this: through study of old paintings and colored lithographs, though these are not always reliable, or through careful analysis of actual paint chips sliced at a very shallow angle through the successive layers of existing paint. Then the agreed colors should be matched against pre-mixed samples that the leading paint manufacturers supply and precisely identified by code number or code name.<sup>3</sup> (Verbal description such as "dark brown", "plum color" or "grass green" are worse than useless. Even such a word as "white" can mean anything from "icy blue" to a "warm ivory".)

Certain restoration projects have issued paint guides in color, but these should be used with regard to the local situation. "Exterior Decoration" published by the Athenaeum Library of the Nineteenth Century, Philadelphia, could be useful since it is based on an 1885 Dewos Paint Company sample book.<sup>4</sup> The famous "Williamsburg Colors", however, while appropriate to the buildings of the British Colony of Virginia have little to do with the 19th century Newark merchants, manufacturers and tradesmen who built James Street Commons.

### Painting 5

Unpainted masonry of any sort should never be painted.<sup>5</sup> It may be hand scrubbed with soap and

water or a mild detergent or steam cleaned.<sup>6</sup> It should never be sandblasted

If brick, stone or terra cotta has already been painted, it may, in some cases, be possible to remove the paint with stiff brushes and certain chemical solutions. If possible, and if affordable, this is the preferred procedure but it should not be attempted without consulting specialists.

If, for whatever reason, an existing coat of paint cannot be removed and must be repainted, then, as for all paint work on any base, the dirt, rust stains and loose material should be removed and the base prepared in accordance with a reliable manufacturer's specifications.<sup>8</sup> The finish color or colors and such matters as whether or not to emphasize the brick or stone joints should be decided only by the official body having design authority over the district.

Iron work should never be painted anything but black -- either glossy or semi-gloss

### Repair and Protection of Unpainted Masonry

If water is penetrating unpainted masonry, the joints should be repointed.<sup>9</sup> Disintegrating brownstone can be patched by colored cement stucco, but this should be done by experts. A colorless silicon or other waterproofing coating can also be used over masonry but usually is effective for only a few years.

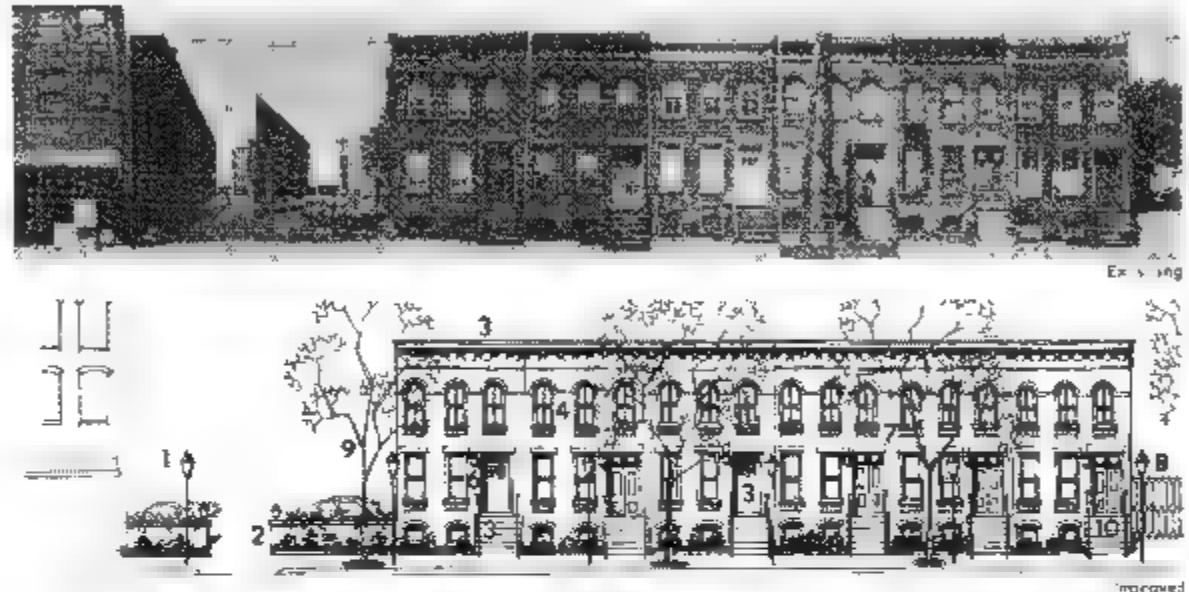
Masonry should never be covered by permastone or any sort of metal, plastic, asbestos or asphalt cladding. If no other alternative is practicable, integrally colored stucco, properly applied and "joint marked" is probably the least objectionable solution -- but it is a last resort.

In general, before taking any drastic remedy against water penetration through a wall, make sure that the water is not getting into the wall from above or from around openings. Roofing, flashing, copings, lintels, sills, and caulking

## Suggested Improvements

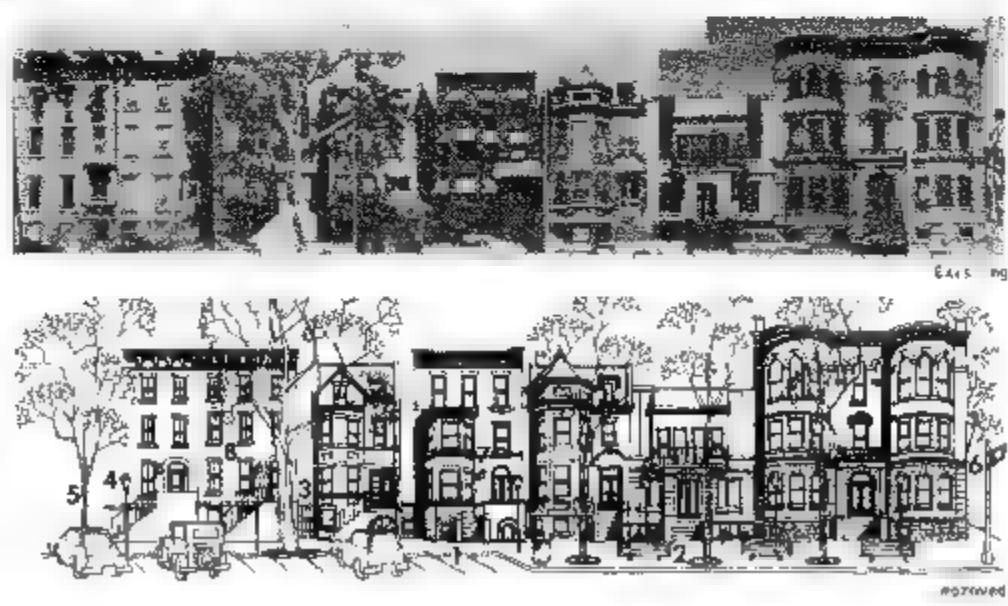
### University Avenue (117½-111) East Side

1. Install new street lighting in style and scale of period.
2. Screen and secure parking lot with low security wall.
3. Reinforce facade consistency by installing uniform metal railings, painting all wood trim, and accenting windows or entrances.
4. Replace flat head storm and screen windows with arched head windows.
5. Eliminate overhead wires and poles by installing telephone cables and electrical conduits underground.
6. Introduce lighting at entrance doors for ambience and safety.
7. Eliminate fire escape.
8. Tie in adjacent building with ornamental gates to secure rear of property.
9. Plant shade trees in wells with protective grating.
10. Replace door with one of same style.



### High Street (265-259), East Side

1. Reduce width of street and create angled parking spaces and siting areas.
2. Provide new trash receptacles and benches.
3. Tie in adjacent buildings with ornamental gates to secure rear of properties.
4. Install new street lighting in style and scale of period.
5. Plant shade trees in wells.
6. Relocate signpost and lower height of poles.
7. Remove awning over door.
8. Relocate fraternity name.



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around all windows, doors, pipe sleeves, etc., should all be checked and made watertight.

### Cornices

Because of their exposed position, cornices and the projections over doors and windows are among the first parts of a building to deteriorate. While they are difficult to repair or replace, it is important that repairing or replacement be correctly done since they play such an important part in the stylistic identity of a building.

Since cornices are always twenty or thirty feet above eye level, fibre glass facsimiles can be cast directly from the best surviving examples and textured and painted so as to be indistinguishable, when viewed from the sidewalk, from the original stone, wood or metal. Fibre glass is also light, tough and weather-resistant. Such cornices should, however, be reinforced with aluminum angle brackets -- particularly at the leading edge -- to protect them from cracking under the pressure of a ladder or a scaffolding rope.

### Ironwork

The authentic design of wrought iron or cast iron yard and stoop railings is equally important to the character of an Historic District. They are constantly in the foreground view of the passer-by. While iron, if repainted at reasonable intervals, will endure indefinitely, it is subject to other dangers -- theft for its value as scrap metal and wanton vandalism.

Fortunately, many sections of the original framework have survived in James Street Commons. There are representative examples for most of the styles of architecture. Where examples are altogether missing, correct prototypes can most likely be found elsewhere in Newark or surely in the comparable residential areas of Jersey City, Trenton, Paterson or Elizabeth and even as far afield as Brooklyn.

### Replication

While the replication of a single cornice can be a very expensive affair, the cost per cornice can be expected to drop sharply if a quantity of the same profile is ordered at one time. Since many of the original James Street cornices were of identical design -- or varied only by the application of different ornaments -- there should be no moral or esthetic objection to following the same procedure in replacing them.

The same economics apply to anything that is cast in a mold, whether it be cast iron, terra cotta or cast stone. Replacement for crumbling brownstone lintels. Once the mold is paid for -- and if at all possible the mold should be taken directly from the best surviving example -- the cost of additional castings is negligible.

### Bulk Purchases

This suggests the capitalization of a purchasing and stockpiling agency, hopefully on a cooperative basis, that could resell at cost numerous stock components as they were needed by individual property owners.

### Sources of Supply

A hunt through the Yellow Pages of the telephone directory, or, better still, the pooling of the collective memory of old residents, particularly of old workers in the building trades, will yield a surprising amount of information regarding local sources of supply for authentic components of old buildings. In a city such as Newark, it would not be at all unusual to find the original supplier of such items as hardware or cast-iron fences, still in business and still with stock of the original models.

There are various local, state and federal organizations that can provide a vast amount of information on where to find replacement parts for old buildings. Memberships should be taken out in the organizations that specialize in this field and their journals should be subscribed to.<sup>10</sup>

## Sources of Skilled Labor

To restore an old building not only requires the necessary parts and materials but also the special knowledge and skill to put them together.

The National Trust has just issued a special publication on Preservation Training for the Building Trades; it contains much valuable information not only on their own programs for training members of the building crafts and for training apprentices, but also on the related work of the National Park Service in the field.<sup>11</sup> The Historical Society of Princeton recently sponsored an all day conference on preservation at which many New Jersey organizations were represented.<sup>12</sup> The Mechanics Institute of New York has announced a training program -- in collaboration with restoration specialists and various local unions -- to start in September 1977 at their headquarters, 20 West 44th Street, New York, N.Y.<sup>13</sup>

## Notes

- (1) "The Fall and Rise of Main Street" copyright 1976 by the New York Times Company and reprinted with its permission by the Preservation League of New York State, \$ 75 postpaid
- (2) See Muldawer, Patterson and Ingraham: Historic Preservation Plan -- Savannah, Georgia 1973 32 pp
- (3) Among the manufacturers who can supply coded sample books for pre-mixed exterior paint colors are

Benjamin Moore & Co  
Pittsburgh Paints  
Pratt & Lambert  
Sherwin Williams  
Samuel Cabot

- (4) Available at \$35 from American Life Foundation & Study Institute, Watkins Glen, N.Y. 14891
- (5) Suggestions in this and the following subsection, 'Protection of unpainted Masonry', are largely based on 'Guidelines for Exterior Paint Work in New York City Historic Districts'. The Municipal Art Society of New York, 30 Rockefeller Plaza, New York, N.Y. 10020

- 6) But see, Neck, Robert C., The Cleaning and Water-proof Coating of Masonry Buildings. Office of Archaeology and Historic Preservation, National Park Service, Washington, D.C.
- (7) See Ortega, Richard L.: Preliminary Report on Masonry Cleaning Methods. Submitted to the New York City Landmarks Preservation Commission, August 23, 1974
- (8) See Cawley, Frederick D. Property Owner's Guide to Paint Restoration and Preservation. Preservation League of New York State, \$1.00 postpaid.
- (9) See Neck, Robert C. Repointing Mortar Joints in Historic Brick Buildings. Office of Archaeology and Historic Preservation, Washington, D.C.
- (10) A few of the excellent technical publications of the Preservation League of New York State have been referred to above. The League also operates a Technical Assistance Program on a matching cost basis. Inquiries should be directed to 184 Washington Avenue, Albany, N.Y. 12210

The Old-House Journal, 199 Berkeley Place, Brooklyn, N.Y. 11217 is well worth a subscription. The same organization also published in 1977 a "Buyer's Guide" consolidating information on 4,286 Products and Services. It is available for \$5.50.

"The Brownstoner", the journal of the Brownstone Revival Committee, 230 Park Avenue, Room 1025, New York, N.Y. 10017 is worth a subscription.

And last, but by no means least, is the National Trust for Historic Preservation, 740-748 Jackson Place, N.W., Washington, D.C. 20006 an invaluable clearing house for nationwide information.

- (1) Preservation News Supplement, June 1977
- (2) Reported in The New York Times, April 14, 1977, page C-5
- (3) For information call or write Jan C. K. Anderson, The Municipal Art Society, 30 Rockefeller Plaza, New York, N.Y. 10020, (212) 586-4761

## 4. Streetscape Guidelines and Prototypes

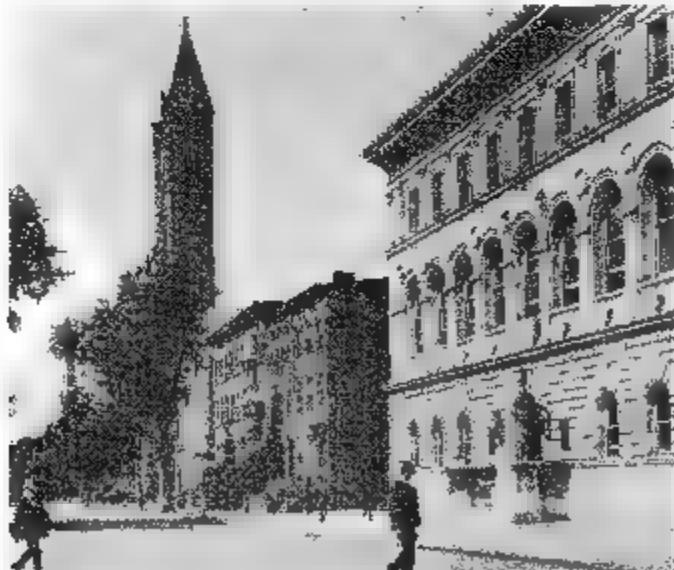
Streetscape guidelines, like the previous architectural guidelines, are to be used by the appropriate reviewing agencies and organization in evaluating proposed physical changes in the James Street Commons. The streetscape guidelines focus on public space (streets, sidewalks, and parks) as well as private development (parking lots, new residential construction) which strongly affect the view from these public ways. These guidelines have been grouped into five areas of development activity: new residential construction, parking, open space, signage, and street furniture. These guidelines are more appropriate to be enacted into legislation than the architectural guidelines since they deal with public space, and they have been written into language more suggestive of ordinances and codes. The actual administration of the review process and incorporation of these guidelines is discussed in the following section of this report.

### 1 New Residential Infill

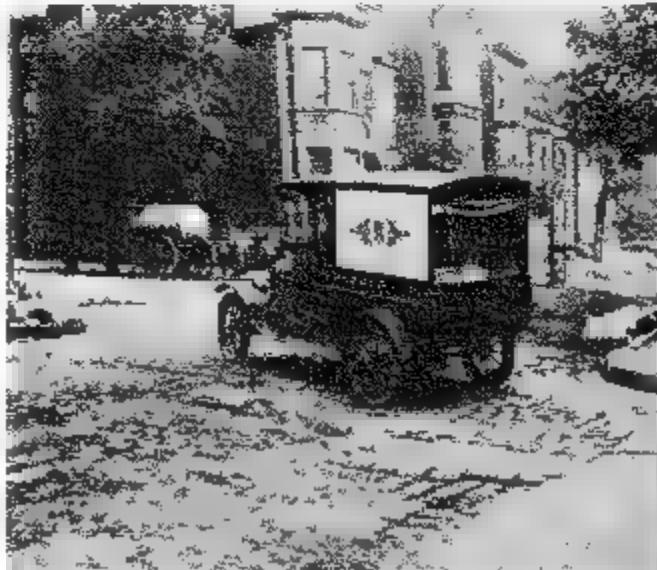
The purpose of this set of guidelines is to

measure the compatibility of new proposed housing structures with existing housing. These guidelines concentrate on the important architectural elements of the existing historic buildings as being the important measure of compatibility rather than encouraging a literal reproduction of those buildings.

- a. Height should be limited to 3½ stories or 35 feet, whichever is lower.
- b. Floor levels should approximate those of adjacent residential structures.
- c. Entrances should be treated as a feature of the building with a setback allowed, a rise of 3 to 4 feet above ground plane encouraged, together with a stoop or porch.
- d. Street trees should be required at the rate of one per 20 feet of frontage.



Photos: Courtesy of the Newark Public Library



Left  
High Street at  
Bunker Street  
1917

Far Left  
Washington Street  
circa 1915

- e. Setbacks should match adjacent structures. If no structures are adjacent, new buildings should be built to the property line.
- f. Masonry construction should be used.
- g. Architectural features should include solid corners, horizontal cap, base, and spandrels.
- h. Facades should be composed of regular rhythmical bays.
- i. For structures of greater frontage than 30 feet, facades should be an aggregation of repeating units of subtle distinction.

## 2 Parking

The aim here is to reduce the visual impact of open parking and to discourage its proliferation, while at the same time to recognize the need for parking to serve James Street Commons residents and employees. These guidelines encourage parking in structures and discourage the clutter inherent in open-lot and on-street parking.

- a. No additional on-street parking should be allowed over what now exists in the area. Additional off-street parking spaces should be allowed only if existing on-street parking spaces are eliminated one for one, or in an effort to encourage garage parking rather than open-lot parking. The following ratios are recommended to determine the amount of additional off-street parking allowed in the area.

allow off-street parking garage spaces to replace on-street parking spaces in the ratio of 3:1

allow off-street open lot parking spaces to replace on-street parking spaces in the ratio of 1:1

allow parking garage spaces to replace open lot parking spaces in the ratio of 2:1

- b. Maximum height of parking structures should be 3 levels or 25', whichever is less.
- c. Maximum number of spaces in a parking structure should be 200.
- d. Parking structures should have ground floor street-related commercial uses.
- e. Maximum number of new open-lot parking spaces per lot should be 75.
- f. For new open-lot parking areas, 10% of the spaces should be allocated for tree planting.
- g. A paved setback from the public right-of-way of 10 feet should be provided for new open-lot parking areas, planted with trees in a ratio of one tree per 20 feet of frontage.
- h. A 3 foot high masonry wall at the setback line should separate the public right-of-way from the new open-lot parking area.
- i. New curb cuts are to be minimized and limited to those actually used for the entry and exit of parking areas. Any unused curb cuts are to be replaced by sidewalk and curb.

## 3 Open Space

Open space should be useful and openly accessible. Minimal maintenance and locations best suited to the overall James Street Commons

plan and to the people using the open space are additional factors defined by the guidelines

- a. Sitting areas should be included in all new open space development.
- b. Trees should be provided in the ratio of one tree per 300 sq.ft. of open space.
- c. Grass as a ground cover should be minimized. Hard surface paved areas and defined, protected planting beds are preferred.
- d. Areas of shade and shelter should be provided.
- e. Hard surface ground areas except for areas devoted to court games should consist of pavers (brick, stone) rather than continuous paving (concrete, blacktop).
- f. Low masonry walls or planting barriers should separate open space from street traffic but a visual connection from a sitting position to the street should be maintained.
- g. Low scale, local lighting sources should be provided.
- h. A definite program appropriate to potential users (elderly, young children, teenagers, workers, etc) should be developed for each open space.
- i. Easy access should be provided to the open space from adjacent sidewalk areas.
- j. Public services should be clustered in open spaces (mail boxes, telephone, and the like).
- k. Location of open space should be at major points of pedestrian traffic and paths through the open space should facilitate

such traffic.

- l. Side walls of existing buildings abutting open space should be enhanced.
- m. Use of durable, simple materials should be maximized.

#### 4. Signage

Signs competing for attention make them less effective as communicators and add to visual chaos. The purpose of these guidelines is to make each sign more useful and communicative to the users of the James Street Commons and to make signage compatible with the ambience of the area.

- a. Signs should be "rooted" i.e. located only where the activity symbolized in the sign is located.
- b. Maximum allowable area of a sign should be 15 times the square root of street frontage in feet (eg: street frontage is 25 feet, allowable area of sign = 15 times square root of 25 = 75 sq.ft.).
- c. Projecting signs should be no more than 1/3 the width of the abutting sidewalk and located no higher than the roofline of a multi-story building or 15 feet above the sidewalk for a single story building.
- d. Letter size should be no larger than 18 inches for building identification signs or 8 inches for occupancy signs, which include parking signs.
- e. No more than 10% of a window area should be covered with a permanent sign.
- f. Light sources for illuminated signs should be steady, stationary, shielded, and directed only at the sign or internal to it.

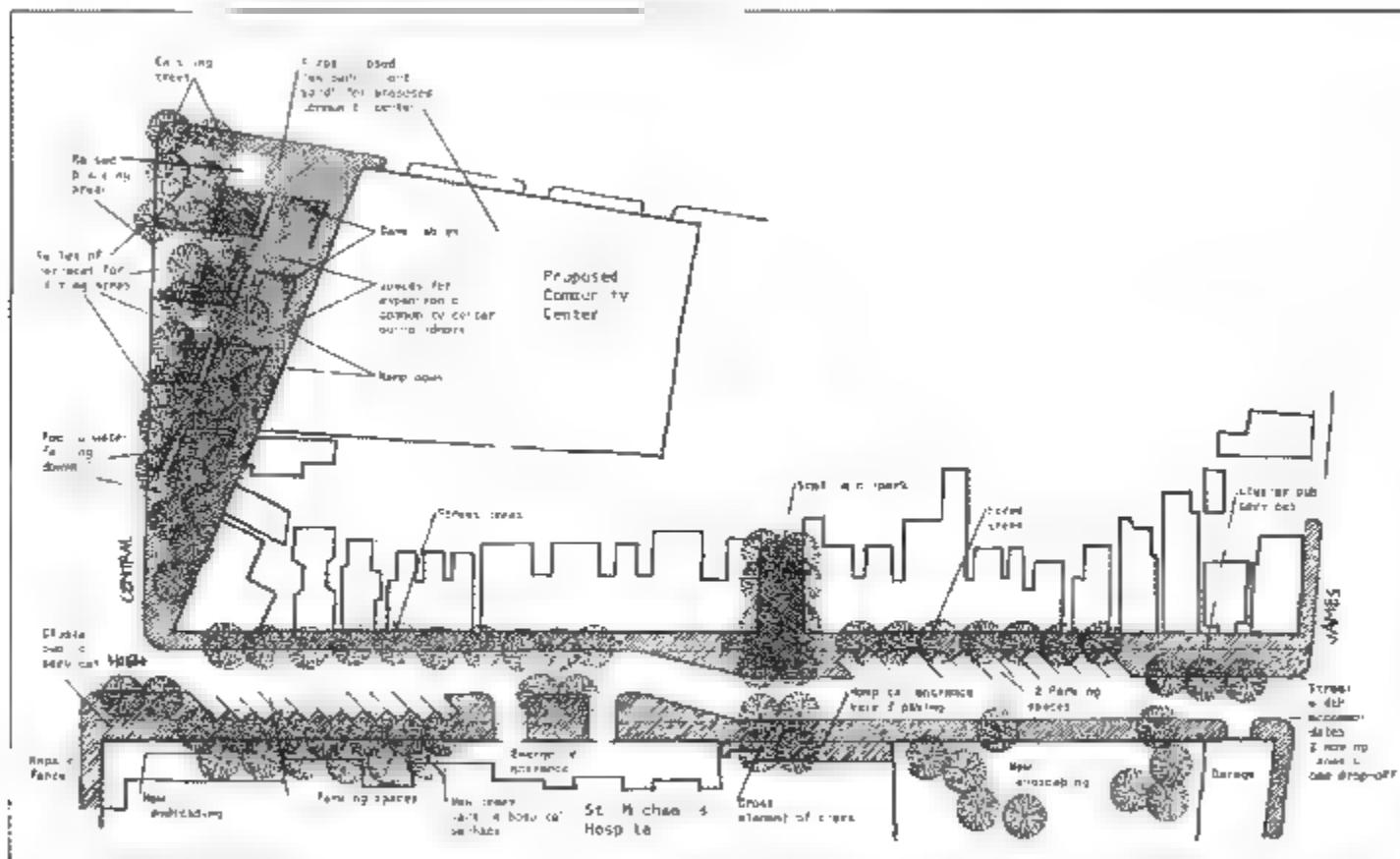
- g. Intensity of a lighted sign should be a maximum of one foot candle four feet from the sign.
- h. Signs in residentially zoned areas should not be illuminated between 11:00 PM and 7:00 AM unless the establishment is open to the public during those hours.
- i. Signs should not move, flash, or make noise (time/temperature signs excluded).
- j. Temporary signs should be allowed for a time period directly related to the event described. Name and address of the individual responsible for the sign is to be affixed to assure removal.
- k. Signs identifying and explaining local history should be actively encouraged, with a 20% larger size allowed.

- c. At selected locations, seating should be provided with integrally related tables for eating, card and game playing. These should be located in parks or "eddy's" along the sidewalk.
- d. Waste containers should hold one to three days refuse, be easily emptied, resist spillage, facilitate easy cleaning, be easily relocatable, and be highly visible and attractive. Their location should correspond to density of pedestrian traffic but never less frequently than one per block or 200 feet.
- e. Drinking fountains should be free standing, useable by adults and children, sanitary and easily cleanable, and appealing visually.
- f. Pedestrian lighting, supplemental to existing street lights, with low fixtures (8-10 feet in height) should be provided. The fixtures should be located adjacent to or on sidewalks, spaced every 20-30 feet, and be of non-contemporary design.

## 5 Street Furniture

Furnishing the public space is important for its usefulness and amenity. Furniture providing a place to sit down and rest, a drink of water, shelter in inclement weather, or the opportunity to make a telephone call or deposit trash, are minimal hallmarks of a civilized urban environment. In addition, street furniture should be gracious, comfortable and pleasant to the eye.

- a. Major points of pedestrian traffic (intersections, entrances to public buildings, parks) should be serviced by clusters of street furniture: mailboxes, telephones, bike racks and the like.
- b. Seating should be more frequently provided. It should include a back, be of dimension easy for the elderly to use, made of resilient material (wood for example rather than concrete), impervious to severe weather and substantial



Recommended  
"St. Michael's Park" and  
"High Street Row"  
Prototypes

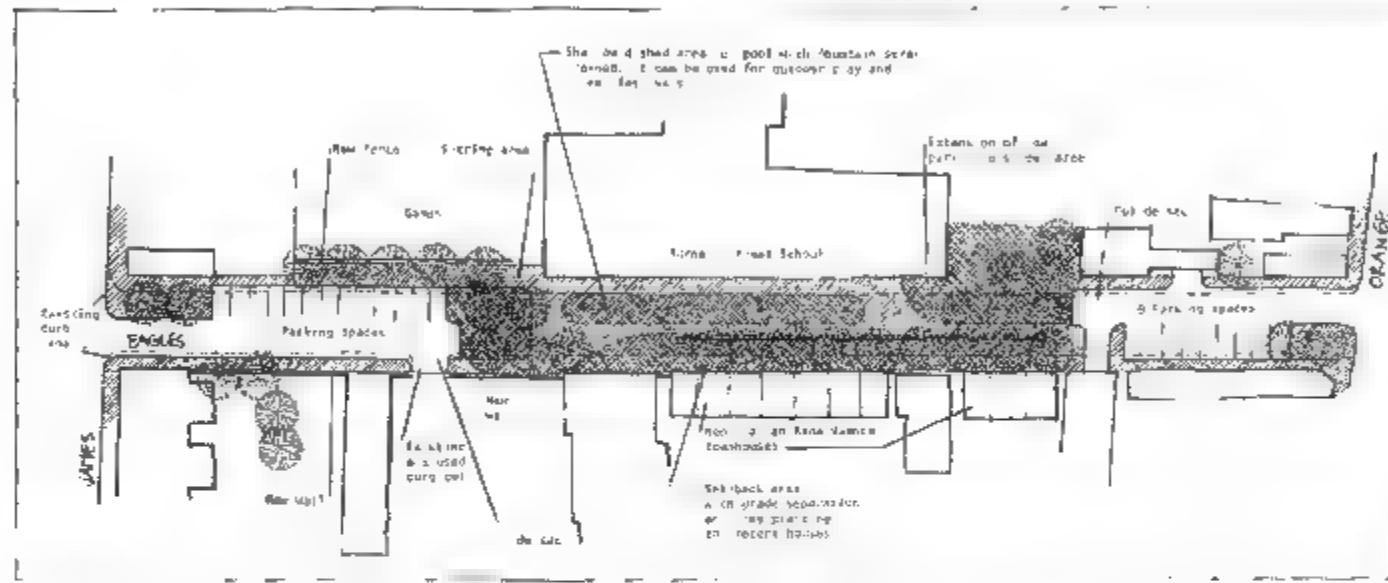
### Recommended "St. Michael's Park" and "High Street Row" Prototypes

The first prototype enlarges an existing park and transforms it into a more usable outdoor space by closing one block of an adjacent street between it and a proposed community center. This small triangular park is presently little used, isolated as it is by traffic and with only a few benches and trees for amenity. However, the view from the height of the park to the downtown is spectacular. The prototype would make use of the drop in grade

toward downtown by creating a series of terraces, each of which would be a small "room", emphasizing the view out to the skyline. Activities of the community center would have an outdoor space to spill out onto. Tree planting, emphasizing the linear quality of the park, provides separation between the traffic and people using the space. Water would spill down the terraces, the sound masking the adjacent traffic noise. Colorful planting beds would further insulate park users from the traffic, and game tables would give a usefulness to the park for nearby elderly rest-



Recommended  
"Eagle Street Commons"  
Prototype



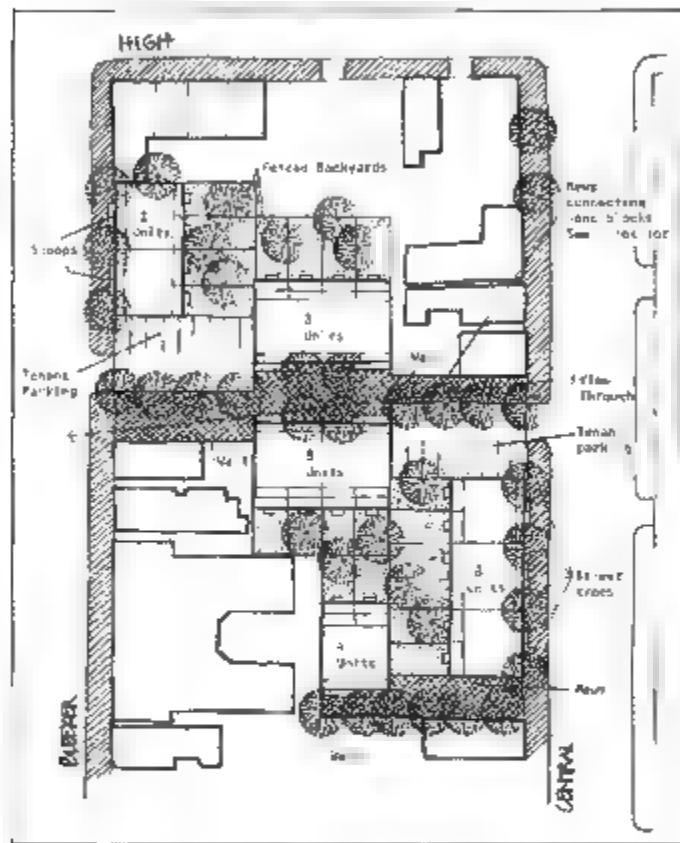
dents. A further benefit in closing this one block of Sussex is to divert traffic to Central Avenue one block west, thereby avoiding the existing and difficult intersection of three streets.

This second prototype modifies the street right-of-way, creating more comfortable and amenable pedestrian spaces while at the same time allowing for the necessary vehicular functions. High street presently is not optimally used since both sides of the street are designated for parallel parking, which crowds the entire length of sidewalk and serves neither the pedestrian nor motorist well. In this scheme, parking becomes angled at 45°, making its use by drivers easier. Sidewalks are widened in critical spots: at the hospital entrance and adjacent to a small mini-park (presently a vacant lot), allowing the park to spill out into the public right-of-way with the entire High Street frontage of historic houses visually enhanced. Space is provided for additional tree planting and the hospital entrance is denoted by a cross axis of trees. The street itself remains wide enough for two moving

lanes of traffic as well as a drop-off lane, allowing the necessary egress for emergency vehicles and convenience for hospital visitors and employees. The slight bend in the street slows down through traffic somewhat although the slope and right-of-way width make it easily negotiable by emergency vehicles both from the fire station to the north, and directly to the hospital. Since the ambulances coming to the hospital would most likely use Central Avenue (a major street), the effect on their movement would be minimal. Pedestrian convenience is further enhanced by providing a cluster of pedestrian services (mailbox, telephone, bus shelter) at the widened street corners.

#### Recommended "Eagle Street Commons" Prototype

This prototype cul-de-sacs a local street, allowing the expansion of a much needed park, enhancing adjacent historic houses, and making conditions safer for school children using the park, playground and school. In this prototype, 90° parking is replaced



The existing parallel parking used by street residents is provided, along with vehicular access to existing garages and parking lots. A large outdoor space for school activities like festivals or outdoor classes is provided, and this space, because of its shallow, bowl-like design, can be used as a spray pool in the summer. A sitting area is located next to the existing playground. The neoclassical Renaissance row houses on the east side of the street are enhanced by a slight grade separation giving breathing space and visual recognition to the houses, and space for tree planting.

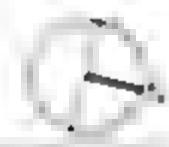
### Recommended 'Bleeker Street Mews' Prototype

In this prototype a large area of parking lot and disintegrated street frontage is replaced by 50 new units of housing. These are of the "low-rise high density" type which are limited to 3-1/2 stories in height, have stoop level entrances on the street and back yards in the block interior. This design is compatible with the scale and use of buildings in the James Street Commons. The new housing configuration helps strengthen the street frontage, filling in the gaps between existing housing, and also makes use of the block interiors with a mews-like connection, in addition to the fenced yards. The mews itself is a particularly important feature in the long linear block, where convenient mid-block passage is an asset. The mews would also provide a territorially defined space for small children of the resident families to play under direct supervision from their homes. Adjacent off-street parking is provided at the entrance to the mews for convenience to the units and for the purpose of close surveillance. Street trees and the landscaping in the mews further restore the visual scene.

Far Left:  
Recommended  
'Bleeker Street Mews'  
Prototype

### Recommended Washington Park Prototype

This prototype enhances an existing park without increasing its size by critically looking at the way it is used and redesigning for that use. Washington Park has several distinct features: the interior is crisscrossed by paths to get from edge to edge, and offers little or no amenity within other than the large old trees; the street edge of the park thereby collects most users; and its heaviest use is at noontime. Several physical features are also determinants. The park sits at the foot of James Street; its space is well defined by the major buildings surrounding it, and Broad Street is busily trafficked with little easy access across it to the park. The redesign proposes an active interior space, shared by performing arts activities and lunchtime eating and



setting, and shaded by a bosque of trees. This area is defined by a low earth mound, edged on the interior by seating and landscaping, some [redacted] and [redacted] and [redacted] Street. A large fountain is a visual focus for James Street and appears on axis with the large monument on Broad Street. Food trucks, which

now congest traffic on Washington Street have access to the interior of the park, and this driveway also services the performing arts plaza. Repaving at the crosswalks denote the entrances into the park. The new uses of this park re-emphasize its present visual aspect as an oasis within the city.

## 5. Administrative Guidelines

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The responsibility for drafting precise wording for the legislation needed to protect Newark's historic and architectural heritage belongs to the City's Corporation Counsel.<sup>1</sup> To this end, what follows are guidelines based on what has worked and what has not worked elsewhere. Once these guidelines are agreed upon, a specialist on legislation will know how best to incorporate them into the Charter and Administrative Ordinances of Newark as well as how best to provide for compatibility with the New Jersey State Constitution.<sup>2</sup>

### Separation of Responsibilities

Three quite different roles are involved in the successful preservation and rehabilitation of old buildings: first, determination of public policy on what is worth preserving and responsibility for its correct restoration and compatible surroundings; second, carrying out the physical work including acquisition, design and working drawings, financing, construction and disposal; third, independent citizens' participation to propose designations and restoration projects, lend volunteer and political support and to serve as public spokesmen and ombudsman. While in some cities these roles have been merged, their separation is preferable both on the principle of checks-and-balances and because different talents are needed for each of the three roles.

In what follows, the policy and control body will be referred to as the "Historic Landmarks Commission", the building agencies as "Construction Authorities" and the organized public groups as "Citizens' Landmarks Committee".

### Composition and Procedure

A Historic Landmarks Commission will function most effectively if it is established as an independent, non-departmental agency of the Mayor's Office. It should consist of seven unsalaried Commissioners appointed by the Mayor for three-year overlapping terms. The full term of any Commissioner should only be terminable for cause. Initially two Commissioners should be appointed for one-year terms, two for two-year terms and three for three-year terms.

The Commission should at all times include at least one licensed architect, one licensed realtor, one historian or architectural historian, the City's Chief Planning Officer, and one, but no more than one, resident from each designated Historic District. There is no reason why a resident of an Historic District cannot, at the same time, also be the Commission's architect, realtor, or historian. The remaining members of the Commission can either be more architects, realtors or historians or, preferably, have experience in other fields. A Commission composed of individuals selected for their personal abilities will be more effective than one based on an "ex-officio" system. Experience has shown that part-time members of boards appointed to give it status rarely give their "ex-officio" job the devotion it deserves.

Since a James Street Commons Historic District is well on the way towards official designation, it would be advisable for the initially selected Commission to include a resident from the area. Designation of other Historic Districts will doubtless follow. Then, as the overlapping terms expire, a resident from each newly designated district should be appointed to fill these naturally occurring vacancies. It is advisable, however, that the Commission should never contain more than one resident of any Historic District at the same time.

The Mayor should also appoint, from among the Commissioners, a Chairman and a Vice-Chairman to serve at his or her pleasure. Unless the Mayor is given this authority he or she will not have the same sort of personal relationship to the Chairman and the Historic Landmarks Commission will suffer in consequence. The Chairman's and Vice-Chairman's full terms as Commissioners, however, should not be terminable without cause. This is to prevent political packing of the Commission at each change of administration. No Commissioner should be appointed for more than two successive full terms. He or she should serve, however, until his or her successor is appointed but, in no event, for more than nine successive years. Such an arrangement should strike a balance between the value of accumulated experience and the hazard of stagnation.

It is of the utmost importance that the Commissioners be selected not only for their professional competence but also for their commitment to the public good. One of the reasons for the recommendation to separate the Historic Landmarks Commission from the Construction authorities is to avoid any possible conflict of interest. Since the certification of the Commission is required for various forms of Federal aid, it is essential that its judgment be both authoritative and completely objective.

Four members of the Commission, including either the Chairman or the Vice Chairman, should constitute a quorum. Advance notice should be published of all public meetings and stenographic record kept of proceedings. Rulings and decisions of the Commission should be published.

#### Powers

The Commission should have city-wide jurisdiction. It should be empowered, in accordance with proce-

dure and definitions established by statute, to designate because of their historic and/or esthetic significance to the people of Newark, and of the State and Nation, and in consideration of their permanent accessibility to public view.

- any building, structure, place, work of art or other physical object as a Landmark
- any area having a special character, which distinguishes its historic and/or esthetic interest from its surroundings, as an Historic District
- any natural or man-made feature of generally open land or water as a Landscape Site

Once designated, no physical change, addition or demolition should be carried out that affects the parts within public view of any Landmark, Historic District or Landscape Site without prior review and approval by the Historic Landmarks Commission.

High Street  
1910



Photo: Courtesy of the Newark Public Library

## **Equitable Relief**

In the case of privately owned, income producing property, a "safety valve" should be provided in the event that it can be proven that designation as a Landmark or inclusion in an Historic District, and subsequent denial by the Commission of requested alterations or additions prevent the owner from making a fair return on his or her property. The owner must show as well that no buyer can be found to purchase it at a fair market price, and no governmental agency is willing to acquire it under condemnation proceedings. In such a case the owner should, as a last resort, be given equitable relief from the law. The New York City law, for example, has extremely detailed provisions covering procedures in such cases.<sup>4</sup> While loss of any landmarks is regretable, the few that will be lost are a small price to pay for the general acceptance of the law as fair and workable. Its strength lies in its flexibility.

If the situation warrants it, other forms of relief for the owners both of commercial and of tax exempt properties may be provided through special zoning provisions<sup>5</sup>, or special tax provisions<sup>6</sup> or even through the possibility of development-rights "banks".<sup>7</sup>

Provisions such as these, however, while well to keep in mind, are primarily intended to provide economic relief to commercial owners of valuable individual landmark properties. The situation in most Historic Districts is generally quite different. These areas are often decaying or depressed parts of the city in which the protection provided by designation and the contagious effect of proper restoration and appropriately designed infill has a tendency to drive property values up. The problem in Historic Districts is to apply techniques of rent control and rent subsidy to prevent present residents from being priced out of their old homes.

## **Publicly-Owned Landmarks**

In the case of publicly owned landmarks, or scenic

landmarks, or publicly owned properties in Historic Districts the decision of the Historic Landmarks Commission should be advisory rather than mandatory. One agency of the city government can hardly be permitted to impose sanctions on another. But the recommendations of the Commission in such cases should be arrived at only after a hearing and should be based upon standards as strict as in the case of a private owner. Above all, it is important that the Commission's decisions should be published. If they are fair and clearly in the public interest, public pressure will generally be effective in obtaining compliance from the opposing agency.

## **Cooperation with Other Agencies**

If the Historic Landmarks Commission is to work effectively as a component of the city government it is essential not only that its powers and responsibilities be clearly defined but also their limitations. There must be no areas of overlapping or conflicting authority with other agencies of the government which have their own Charter and statutory responsibilities. Ambiguities will lead to conflict and confusion; clearly defined jurisdictions can produce mutually beneficial support.

## **Staff and Responsibilities**

To carry out its multifold responsibilities the Historic Landmarks Commission will require the services of a full time paid staff of professionals. Initially, the staff might be on loan from another allied agency such as the MPDO. Insofar as budgetary limitations permit, the staff should include specialists in both architectural history and building construction. A great deal of excellent work can also be done by unpaid volunteers if carefully managed.

While good staff work can contribute greatly to the efficient operation of a Historic Landmarks Commission, the Commissioners must never forget that they, and they alone, are trustees of an important part of the city's cultural heritage. It is on their decisions that its preservation will depend.

Since they have this responsibility they should be given the power to enforce their authority. Many preservation bodies have purely advisory duties. This was perhaps a political necessity when the preservation movement was young. There are now a sufficient number of legislative actions and judicial decisions<sup>9</sup> to assure the acceptance of historic and architectural preservation as a valid responsibility of government at all levels. It therefore can, and should, be entrusted with effective powers of enforcement.<sup>10</sup>

### Construction Authorities

Less detailed guidelines are needed for the second of the three components on whose interrelated actions a successful rehabilitation program depends. Many precedents exist for the type of quasi-public corporation envisioned.

### Functions

Its charter should empower it to purchase and sell real property, and, in particular, to receive property deeded to it or conveyed after condemnation by the city. It should have the authority to enter into architectural, engineering and construction contracts both for the restoration and rehabilitation of old structures or for the construction of new buildings in Historic Districts. As a quasi-public corporation it should be able to finance its operations through any of the Federal, State or municipal programs compatible with its purposes and it should receive such grants whether by direct application in its own name or through the city. Nothing in its charter, however, should preclude the corporation from receiving operating funds from the city's budget or capital funds through the public sale of bonds. It should have the power to sell or to maintain, manage and rent rehabilitated or new buildings when completed or to convey them to cooperatives or condominiums, provided, of course, that the limitations on sale prices or rental rates are within the terms of the public grants under which the projects are constructed.

It is contemplated that most of the construction work of such a corporation will be to provide attractive low and moderate income housing which must be at least as good as the minimal standards established by the financing agencies. It should not be precluded, however, from constructing appropriate ancillary facilities such as day care or health centers, local retail shops, playgrounds for small children, parking facilities for local residents, and similar convenient adjuncts to residential neighborhoods provided they are permitted under the terms of the loans and grants it has received.

### Controls

Because it is contemplated that a construction authority will work within the boundaries of an Historic District or on the adaptive re-use of an individual Landmark, two special conditions should apply:

- Designs for new structures and details of restoration work must not only be in accordance with general architectural guidelines established by the Historic Landmarks Commission, but, as for any work affecting the exterior appearance of officially designated structures, specific plans and details must be reviewed at a public hearing before the Commission and the work should not proceed without the Commission's approval.
- Where the nature of the old buildings being rehabilitated precludes literal adherence to the standards and specifications of the lending agencies, the Historic Landmarks Commission should lend its good offices to negotiate practicable alternatives that will make it possible to re-use architecturally or historically significant structures without jeopardizing the health or safety of the users.

## Citizens Landmarks Committees

A prototype -- and a very effective one -- exists for what is the third essential component of a successful landmarks preservation program. The Newark Preservation & Landmarks Committee has already played a notable role, not only in working towards the legal designation of James Street Commons as an officially protected Historic District, but also towards awakening public awareness in Newark to the irreplaceable value of its historic architectural heritage.

Spontaneously formed citizens' groups such as these can continue to be a most effective instrument in stimulating and sustaining a comprehensive preservation program for the City. Unhampered by the administrative responsibilities of a Historic Landmarks Commission or the financial responsibilities of a Construction Authority, they are and should continue to be the program's sparkplugs, gadflies, grass roots liaison and ombudsmen. Without the growth and spread of such an informed public constituency, there is a natural tendency for governmental activities, in any field, to bog down in bureaucratic inertia.

In addition to this vital role, citizens' landmarks committees can, in very practical ways, assist the work of official agencies which are always under-budgeted and understaffed. Trained and devoted volunteers can make an invaluable contribution in carrying out photographic surveys, undertaking research projects, preparing national register forms, policing districts for violations, organizing the cooperative purchase of restoration components, discovering sources of supply, educating craftsmen in restoration techniques, conducting walking tours and seminars, publishing guidebooks and standards, and discovering potential new landmarks or possible new historic districts. There is actually no limit to the range of effective activities such groups can perform. The same enthusiasm that brought them together in the first place will continue to inspire them to new fields of endeavor.

## Interim Emergency Actions

The above three sections outline recommendations for an effective landmarks preservation program for the City of Newark. However, even if there should be unanimous support for these recommendations, it will take some time to implement them. Meanwhile good buildings are being torn down every week. Therefore, the following is a supplement to the long-range recommendations with a few suggestions on which immediate, stopgap action might be taken.

### Zoning

At present, James Street Commons is divided among 4th Residential, 4th Business and 2nd Industrial Zones. If prompt action could be taken by the City Planning Board to amend the zoning map of the area, it would go a long way towards arresting further assemblies and further demolition. Though obviously this is a matter both of policy and of expert technique in drawing district lines, remapping is recommended for the Board's consideration.

- All of the southerly frontage of Orange Street, between the easterly side of Boyden Street and the intersection of Orange Street with Broad Street, to be mapped 2nd Business to the same depth as the existing 2nd Business strip along the southerly side of Orange Street west of Mesbitt Street.
- The five blocks bounded by Washington Street, Washington Place, Halsey Street and Warren Street to be mapped 3rd Business.
- The remainder of the area -- i.e., these blocks and parts of blocks bounded by the southerly boundary of the proposed 2nd Business strip along Orange Street, by Broad Street, Washington Street, Bleeker Street, Golden Street, Sussex Avenue, Summit Street, James Street and Boyden Street -- to be mapped 3rd Residential.

Since 3rd Residential and 2nd Business permit buildings up to five stories or 55 feet in height, and since most of the existing structures are substantially lower than this, it might be desirable to superimpose on these two areas a "Limited Heights District" of three stories or 35 feet. This would be another example of the mutual support of zoning and landmark protective legislation. In New York, for example, the Landmarks Preservation Commission may recommend to the City Planning Commission (corresponding to Newark's Central Planning Board) the imposition of a "Limited Heights District" on all or part of an officially designated Historic District and the City Planning Commission may adopt or modify the proposal as part of the city's official Zoning Map.

#### Unsafe Buildings

Immediate action should be taken by the proper authorities to seal all empty or abandoned buildings. "Sealing" is meant to mean the full blocking up of all doors and windows with masonry. In such a manner, however, as not to destroy any original door or window frames which may exist. Temporary patching should also be made in the roofs or walls if water is getting into the structure. Such a program would go a long way towards reducing vandalism and loss by fire.

#### Parking Lots

Again, if the Building Department, or other proper authority, would place a moratorium on the issuance of any further permits for parking lots, and even rescind such permits whenever it is possible to do so, for instance for leased city property, an important step would have been taken to arrest the further deterioration of the neighborhood.

#### Moratorium on Demolition

A similar moratorium on further demolition of any sound structure in the area would, of course, be the most effective means of holding the best building until they can be appropriately restored. This is very difficult to accomplish legally unless there are emergency powers which the Mayor might invoke for a limited period of time.

Just as soon as James Street Commons is officially designated as a Historic District by a legally established Historic Landmarks Commission and has also been entered on the National Register of Historic Places, the provisions of the Federal Tax Act of 1976 which discourages the demolition of designated structures for the purpose of tax reduction, can also be applied. But this will happen only over a period of time. Perhaps local legislation with the same end in view could be enacted more quickly.

These are both matters on which the advice of the Corporation Counsel should be promptly sought.

#### Strategic Purchases

Finally, and depending on a block by block review of the entire area, it might be farsighted for the city to acquire a few strategically located properties to prevent private assemblages for undesirable purposes. Such a strategy need not involve large amounts of capital funds. It would have the secondary advantage of putting the city in a good position to proceed with its own program of rehabilitation and new construction when it is ready to do so.

## Notes

(1) "The corporation counsel shall ... supervise the preparation of ... all statutes, ordinances and resolutions referred to the law department for preparation." Sect on 2-6-3 of the Revised Ordinances of the City of Newark, New Jersey, 1966

(2) While New Jersey has, as yet, no specific enabling provisions in its Constitution for the protection of historic landmarks and districts, there were, as of September, 1975, active preservation commissions in Burlington County, Cape May, Dover Township, Haddonfield, Hillsborough Township, Jersey City, Lawrenceville, Randolph Township, Tewksbury and Trenton, and there are probably more now. Their experience would be helpful as well as the advice of the New Jersey Historical Commission, 113 West State Street, Trenton, N.J. 08625 and of Clifford L. Lord who will become the new director of the New Jersey Historical Society in September 1977. Samuel Stokes, in charge of the Mid-Atlantic Office of the National Trust, should also be consulted.

A brief summary, with bibliography, of the major issues involved in protective legislation for landmarks was prepared on March 4, 1973 by Michael F. Wedell II for the National Trust under the title "Historic District Ordinances -- Landmarks Commissions on Ordinances." Since it is now somewhat out of date, more recent citations and examples of more recent legislation can be obtained from Frank B. G. Libreri, Esq., Director, Landmarks and Preservation Law Division, National Trust for Historic Preservation, 740 Jackson Place, N.W., Washington, D.C. 20006. His experience in this highly specialized field makes his advice invaluable.

The latest comprehensive source book we know of is Kettler, Ellen L. and Reams, Bernard D., Jr., *Comprehensive Historic Preservation Laws: An Annotated Bibliography*, Washington, D.C., Preservation Press of the National Trust, 1976 \$4.00

(3) The December 1973 amendment of New York City's Landmarks preservation law extended the Commission's authority to designate as "Interior Landmarks" interior parts of buildings which are "customarily open or accessible to the public." Unless there is strong support for such a provision, we do not think it would be wise initially to burden a newly established Newark Commission with the administrative difficulties such a provision would entail.

4. See Section 207-9 d, Chapter 8-A of the Administrative Code of the City of New York

(5) See, for example, New York City's Zoning Resolution Sec. 22-2, on permitted use by profit anthropic or non-profit institutions of residences for central office purposes, modification by special permit in the case of Landmarks of court, yard and use regulations (Sec. 74-71) or of height and setback regulations (Sec. 74-72), and, above all, Sec. 74-79 governing transfer of development rights. The latter is a highly sophisticated technique devised to permit the owner of an individual Landmark to sell, under strict conditions and controls, the unused potential of a valuable site. This, in effect, permits him to realize the financial potential of his site without tearing the Landmark down. The existence of this provision in New York City's Zoning Resolution -- incorporated through the Initiative of the Landmarks Preservation Commission -- was a crucial factor in the Court of Appeals' recent decision regarding the preservation of Grand Central Terminal. (See note 9 below.) The transfer of development rights does not apply to Historic Districts; it is mentioned here merely to illustrate how Landmarks law and Zoning law can reinforce each other.

6) See especially the Federal Tax Reform Act of 1976

(7) See Costello, John J., "The Chicago Plan -- Incentive Zoning and the Preservation of Urban Landmarks" Harvard Law Review, Vol. 85, No. 3, Jan. 1976 pp. 574-634. The ingenious proposal set forth in this article was later expanded by the author into a book -- "Space Adrift: Landmark Preservation and the Marketplace," published for the National Trust by the University of Illinois Press. While the idea has stimulated wide discussion it has yet to be implemented anywhere.

(8) Cantor, Leo J., *The Code Official's View in preservation and Building Codes*, Washington, D.C.: The Preservation Press, 1975, p. 86. Available from the Preservation Bookshop, 740 Jackson Place N.W., in Washington, D.C. 20006 for \$3.00

(9) To cite only a few of the important New York opinions

We deem certain of the basic questions raised to be no longer arguable. In this category is the right, within proper limitations, of the State (of New York) to place restrictions on the use to

be made by an owner of his own property for the cultural and aesthetic benefit of the community.'  
*Sailors' Snug Harbor v. Platt,*  
29 App. Div. 2d 376 (1st Dept. 1968).

'The architectural, historical and aesthetic value of the improvement (the former Leonard Jerome Mansion) was fully established, and the court may not substitute its judgment for that of the administrative agency . . . Such values are a "valid subject of legislative concern" and "reasonable legislation designed to promote that end is a valid and permissible exercise of the police power'"  
*Manhattan Club v. Landmarks Preservation Commission*, 51 Misc. 2d 556 (1966).

On June 23, 1977, by unanimous decision, the State of New York Court of Appeals supported the action of the New York City Landmarks Preservation Commission in denying permission to demolish or drastically alter the exterior appearance of Grand Central Terminal, a designated landmark. While this extremely important case was concerned with an individual building, its unique location, its economic value, and the possibility of development rights transfer, etc., Chief Judge Breite, in writing the court's opinion, made some significant passing remarks about the preservation of historic districts:

'Historic district regulation, like zoning regulation may be designed to maintain the character, both economic and aesthetic or cultural, of an area [see *Maher v. City of New Orleans*, 516 F2d 105], esp p. 1060, cert den 426 U.S. 905, Opinion of the Justices to the Senate, 333 Mass 773, 778-780]. The difference, generally, is that zoning does this largely by regulating construction of new buildings, while historic district regulation concentrates instead on preventing alteration or demolition of existing structures. In each case, owners although burdened by the restrictions also benefit, to some extent, from the furtherance of a general community plan.'

(10) We summarize below the enforcement and penalty provisions of a number of landmark preservation ordinances, arranged in approximate order of their enactment. They illustrate how weak some of them appear to be. They also illustrate some of the overlapping of authority which we would hope to see avoided in Newark.

#### Vieux Carre', New Orleans, Louisiana

Chapter 65 of the Code of the City of New Orleans, Louisana, effective December 31, 1956

#### Section 65-35 Stopping work commenced without permit

The Director of the Division of Regulatory Inspections shall . . . stop any work . . . without or contrary to a permit . . . and shall . . . prosecute any person responsible for such a violation . . . (the) Commission shall exercise concurrent or independent powers with the Director in prosecuting violations . . . and stopping . . . work

#### Section 65-33. Violating signs, etc.

Any sign ---(etc.) . . . displayed contrary to the provisions of this article shall be removed (C.C.S., Ord. No. 15, DBS, Sect. 2) \*

#### Section 65-37 Failure to correct defects after knowledge thereof

Failure . . . to correct the defects as outlined on Section 65-36 (Preservation of existing structures by owner ---(etc.) . . . after . . . defects (have) been brought to their attention . . . shall be punishable as provided in Section 1-6 (M.C.S., Ord. No. 354, Sect. 1, 5-15-58). \*

#### Section 65-38 Department of Safety and Permits to aid Vieux Carre in enforcement . . . (etc.)

Upon request, the Department . . . shall aid the Commission in making . . . inspections . . . (and) with enforcement

#### Section 65-39 Duty of Vieux Carre Commission to assist in enforcement of article

It shall be the duty of the . . . Commission . . . to prosecute or cause to have prosecuted . . . violations of this article in the Municipal Courts . . . or such other court . . . (having) jurisdiction . . . either civil or criminal. (M.C.S., Ord. No. 354, Sect. 1, 5-15-58) \*

*Note* We have not seen copies of these ordinances which must apply to general municipal enforcement procedures.

#### Beacon Hill Historic District, Boston, Massachusetts

Massachusetts Legislature, Acts 1966, Ch 616, Amended by Acts 1968, Chs. 314, 315, Acts 1969, Ch 622, Acts 1965, Ch 429.

Section II. Enforcement

Whoever constructs, ... (etc.) .. in violation of this act shall be punished by a fine of not less than \$50.00 nor more than \$1,000.00

Whoever, after notice ... maintains ... (a) violation of this act shall be punished by a fine of not less than \$10.00 nor more than \$100.00 each day ... such violation is allowed to continue

The superior court may, upon application of the commission, restrain the construction ... (etc.) ... in violation of this act and order (its) removal ... (and) restoration.

Alexandria, Virginia

Article XIV - Old and Historic Alexandria District  
(Sections 42-85 through 42-100 of the Alexandria City Code relating to Zoning, 1963 with supplements through 7/31/72)

No specific provisions for enforcement or for penalties are included. The applicant for a certificate of appropriateness, denied by the board of architectural review or the opponents of a certificate the board has granted may appeal to the city council (Sec. 42-96) and the council may affirm, reverse or modify the decision of the board. "The decision of the council ... shall be final" subject to appeal to the corporation court. (Sec. 42-96 1)

The function of the board of architectural review therefore appears to be purely advisory

Charleston, South Carolina

Old and Historic Charleston District and Old City District  
(Article 14, Chapter 51 of the Code of the City of Charleston, as amended in 1964.)

Also has no provisions for enforcement or for penalties. "The board of architectural review may file a petition with the public safety and housing officer requesting (him) to require repairs ... in conformance with the purpose of this article" (Sec. 51-31). The "city building inspector ... shall ... inspect ... construction approved ... by the Board" reporting any work not in accordance with (their) certificate. (Sec. 51-33)

New York City, New York

(Local Law 46 of 1965, signed April 19, 1965, added what is now Sec. 2004 of Chapter 8A of the New York City Charter, and added Chapter 8-A Preservation of Landmarks and Historic Districts to the Administrative Code of the City of New York, Sec. 205-1.0 and Sec. 207-1.0 through Sec. 207-21.0. These sections of the Administrative Code were amended by Law No 1311, signed December 17, 1973.)

Sec. 207-16.0 Penalties for violations, enforcement

- a) Any person who violates ... Sec. 207-4.0a (1 e., makes unauthorized changes to designated property) ... shall be guilty of a misdemeanor and shall be punished by a fine of not more than (\$1,000.00) and not less than (\$100.00), or by imprisonment for not more than one year, or by both
- b) Any person who violates ... Sec. 207-9.0a, (1 a., performs minor work without a permit) or Sec. 207-10.0 (1 a., fails to keep property in good repair) shall be punished by a fine of not more than (\$250.00) or less than (\$25.00) or by imprisonment for not more than thirty days, or by both ... and shall be punished for ... any subsequent offense by a fine of not more than (\$500.00) or less than (\$100.00), or by imprisonment for not more than three months, or by both.
- c) Any person who files with the commission any application ... and refuses to furnish (requested) information relating to (it) ... or who willfully makes false statements ... or who ... willfully furnishes false information ... shall be punished by a fine of not more than (\$500.00) or by imprisonment for not more than ninety days, or by both
- d) Each day that violations are allowed to continue under Sections 207-4.0a, 207-9.0a, or 207-10.0 shall constitute a separate violation of such provisions
- e) Whenever any person has engaged or is about to engage in a violation of Sections 207-4.0a or 207-9.0a ... the commission may (apply) to the supreme court for an order enjoining such act or requiring (removal of) the violation or directing ... restoration, ... and upon a showing by the commission a permanent or temporary injunction or other appropriate order shall be granted without bond

Savannah, Georgia

An Ordinance to amend the Zoning Ordinance to establish the Historic District --- pursuant to --- the amendment to Article XI of the Constitution of Georgia, ratified November 5, 1968

Section II

This Ordinance shall be administered with and as a part of the Zoning Ordinance (the enforcement provisions of which we have not seen).

Trenton, New Jersey

Ordinance establishing a Commission to preserve historic landmarks and providing certain restrictions on alterations of landmark buildings and sites. City of Trenton, Ordinance 2-22, adopted August 3, 1972 as City Ordinance 72-34

Section 2-22.7 Penalties

Violations of any provision of this section shall be punishable as provided by Section 3-19 of the Revised General Ordinances.

As in New Orleans, this places enforcement of the landmarks law under the general municipal enforcement procedures which we have not seen.

Seattle, Washington

Ordinance 98852 as amended by Ordinances 99846 and 102902, creating the Pioneer Square Historic District (and) establishing an Historic Preservation Board. Effective February 4, 1974.

Section 2 Responsible Agency and Section 6 Approval of Changes

The Historic Preservation Board shall review and act upon architectural and historic preservation matters within the Historic District and make recommendations to the City Planning Commission (for major work) which, in turn, makes recommendations to the Director of the Department of Community Development. The Board makes recommendations as to "minor work" (directly) .. to the Director. The Director shall issue the Certificate of Approval .. . The City Council may reverse or modify the decision of the Director

Section 6B Maintenance Requirements

An order of the Board shall bear the same consequence as if issued by the Superintendent of Buildings. If the .. party in interest fails to comply .. , the Superintendent of Buildings is authorized .. to

(repair, alter or improve) such building .. the costs thereof shall be recovered by the City in the manner provided by law

Section 8 Enforcement

This ordinance shall be enforced by the Superintendent of Buildings (advised by the) Board .. The Board is a board of appeals for the Pioneer Square Historic District from orders of the Superintendent of Buildings

Section 9 Penalty

Anyone violating this ordinance shall upon conviction, .. be fined ... a sum not exceeding ... (\$500.00), or be imprisoned in the City Jail for a term not exceeding six months, or .. both, and each day's violation shall constitute a separate offense

Any person failing to comply with a notice of violation or order issued by the Superintendent of Buildings or Board .. shall be subject to a cumulative penalty of \$10.00 per day from the date set for compliance .. until corrected. Such penalty shall be collected by civil action, brought (by) the City commenced in the Municipal Court

Madison, Wisconsin

General Ordinances 33-01 A Landmarks Commission, as updated to June, 1974.

Penalties for Violations

Any person violating any provision of this section shall be subject to a forfeiture of not more than \$200.00 for each violation. Every day during which a violation continues shall be a separate offense.

(1) See Sections 12-10, 23-69, 24-59, 33-49 and 43-49 of the New York City Zoning Resolution

## 6. Financial Guidelines

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A major constraint in the rehabilitation of James Street Commons is sounded early in the social and economic analysis section of the MPDO's "James Street Commons" report: "The area does not lend itself to restoration without a great deal of financial assistance". To aid in the implementation of the MPDO objectives, the following financial guidelines are suggested.

### Public Funds

In the initial stages much of the funding will have to come from public sources. This conclusion is consistent with two re-stated policy goals proposed by the MPDO:

"Public funds should be used as a catalyst to spur extensive private investment and not as the sole funding source of the project," and

Current resident owners with modest incomes should be encouraged to remain and do the needed rehabilitation."

The publicly funded catalyst must come first, if it does not, there is, realistically, little likelihood of the "extensive private investment" to follow. So, as a realistic basis for these guidelines, primary attention is given to public sources of funding.

The following guidelines to Federal programs have been narrowed to relate to historic preservation and the rehabilitation of deteriorated urban neighborhoods. Fortunately, the National Trust published in 1974 a comprehensive guide covering just this field. Together with its January 1976 supplement, the National Trust Guide is the most complete and up-to-date source for this information.

Direct reference to the Guide and Supplement will be necessary in order to learn specific details of each program - its scope, its terms (matching funds, etc.), limits on eligibility and sources of other information. The Guide also frequently includes descriptions of projects which a specific program has previously financed; these are useful

in suggesting the range of possible future applications. The prerequisite of being listed in the National Register in order to be eligible for Federal programs is repeated time and again. Also, the recipient of Federal funds must, in most cases, be an official agency -- either the city itself or a public agency designated by the city.

The selected programs are listed according to the intended purpose of each grant. This may suggest the most appropriate applicant -- The Construction Authority, the Historic Landmarks Commission or a Citizens' Committee -- though sharp dividing lines cannot always be drawn. There will no doubt also be a considerable overlap with other city agencies, particularly those in the fields of economic development, housing, social work and education, which are most likely already drawing on some of the suggested sources.

The wide variety of available financing programs should make it possible to realize the MPDO objective of a stable social and economic mix in James Street Commons. As will be seen, there are funds to be used for research and planning, for acquisition, restoration and new construction, for urban homesteading, for rent subsidies, for the elderly and handicapped, for youths, for cultural facilities, for vocational training, for mortgage insurance, and for small business loans. The application of these resources through the overall plan conceived by MPDO should produce a healthy balance in the James Street Commons community.

### Suggested Programs by Purpose

In the following check list, number references are to page numbers in the National Trust Guide, 1974 Edition. Numbers preceded by an "s" refer to the 1976 Supplement. Insofar as it has been possible to evaluate the various types of grants, those that seem to be most directly related to the indicated purpose are listed for each category. Indirectly related or more generally supportive programs follow. The latter, however, should not be dismissed out-of-hand, since the national competition for funds may be less keen in some of these marginal but nonetheless useful programs.

## Bricks and Mortar

### Community Development Block Grants

HUD: Asst. Secty. for Community Planning and Development (S 13-15) for acquisition and restoration of historically and architecturally significant property; for demolition, removal and rehabilitation of buildings, and for aid to private rehabilitation through grants, loans and loan guarantees.

### Grants-in-Aid for Historic Preservation, Acquisition and Development

Dept. of the Interior: Office of Archeology and Historic Preservation (150-151) for up to 50% of purchase, restoration and related costs, with the proviso that the project must be part of a State's statewide historic preservation plan as approved by Dept. of Interior.

### Urban Homesteading Program

HUD: Urban Homesteading Program (\$ 29-30) for help to families agreeing to take over for at least three years unoccupied dwelling owned by HUD and make stipulated repairs.

### Emergency Energy Conservation Program

Community Services Administration: Office of Operations (\$ 59-61) for wall and roof repair; storm windows and doors; and reduction of energy costs for the poor.

## Research and Planning

### Comprehensive Planning Assistance Program (Section 701 Program)

HUD: Asst. Secty. for Community Planning and Development (S 16-18) for historic preservation planning, Identification and evaluation of buildings, preservation and restoration budgets, and relation of historic preservation to general urban plans.

### American Architectural Heritage Program/Community Conservation Program

National Foundation on the Arts and the Humanities: Architecture and Environmental Arts Program (\$ 70-71) for preliminary design plans for renovations, and for zoning, administrative, and economic recommendations for sympathetic reuse of old structures.

## Comprehensive Planning and Management Grants

HUD: Asst. Secty. for Community Planning and Development (110-131) for historic preservation planning if part of a comprehensive plan, and for the development of historic architectural criteria, identification, evaluation, restoration estimates, preservation legislation, controls, administration, budgets, etc.

### Research and Development

HUD: Asst. Secty. for Policy Development and Research (133-134) to improve management of multifamily housing for neighborhood preservation, and for demonstration projects in housing and urban development.

### Design Fellowships

National Foundation on the Arts and the Humanities: Architecture and Environmental Arts Program (\$ 74) for grants to finance independent study by design professionals.

### Cultural Facilities

National Foundation on the Arts and the Humanities: Architecture and Environmental Arts Program (\$ 72-73) to promote arts programs related to social and economic revitalization. These can include architectural design studies for adaptive re-use, but not acquisition or construction.

## Training People/Mental Skills

### Vocational Education

HEW: Office of Education, Division of Vocational and Technical Education (104-105) for on-the-job repair and restoration projects through the State vocational education boards.

### Comprehensive Manpower Services

Dept. of Labor: Manpower Administration (S 44-45) for remedial education and skill training, and for on-the-job training.

### Job Corps

Dept. of Labor: Manpower Administration (78-180) for training in construction trades, with up to 15% projects under local government ownership.

#### Neighborhood Housing Services

Federal Home Loan Bank Board: Urban Reinvestment Task Force (S 65-66) for technical assistance to organizations improving residential property, and for contribution to revolving funds for loans to persons without commercial credit.

#### Property Improvement Loan Program (Title I Loan Program)

HUD Asst. Secty for Housing Development and Mtg Credit: Property Improvement and Mobile Home Division (S 26-27) for insurance of private home improvement loans, with residences on National Register getting longer terms.

#### Economic Help Commercial

##### Business Development Loans

Dept. of Commerce EDA, Office of Business Development (39-40) for long-term business loans to create new sources of employment.

##### Business Loans/Economic Opportunity Loans

Small Business Administration (296-297) for low-income and disadvantaged persons.

##### Local Development Company Loans

Small Business Administration: Economic Development Division (300-301) for loans to small businesses owned or controlled by persons living in the community, and may be used for land, buildings, new construction or modernization.

##### Neighborhood Preservation Projects

Federal Home Loan Bank Board: Urban Reinvestment Task Force (567-568) for revitalizing neighborhood business districts, for preventing foreclosure, marketing vacant property, and also for rehabilitation of multiple dwellings.

##### Special Impact Program

Community Service Administration, Office of Economic Development (S 62-64) for promotion of business ownership, management training for neighborhood residents, for assistance to cooperatives and community development corporations, and for loans to low-income persons.

#### Displaced Business Loans

Small Business Administration (298-299) if displaced or injured by federally aided construction projects and includes purchase, remodeling and new construction.

#### Old People

##### Housing for the Elderly and Handicapped (Section 202 Program)

HUD Asst. Secty for Housing Production and Mtg Credit (S 22-23) for loans for new or rehabilitated housing for elderly or handicapped with below median income.

##### Senior Community Service Employment Program

Dept. of Labor Employment and Training Admin., Office of National Programs (S 41-43) for part-time community service jobs for low-income elderly, including minor repairs to old buildings, park work, etc.

#### Young People

##### Historic American Buildings Survey

Dept. of the Interior: Office of Archeology and Historic Preservation (154-156) for measuring and recording valuable buildings, particularly if threatened with demolition, though mostly as summer grants to architecture students under supervision of architecture professors.

#### General Social, Education, and Health

##### General Revenue Sharing

Dept. of the Treasury: Office of Revenue Sharing (195-197) for maintenance and operation of public safety, environmental, recreational facilities, for social services for poor and aged, and for an historic district revolving fund.

##### Public Education and Awareness

National Foundation on the Arts and the Humanities: Architecture and Environmental Arts Program (245) to individuals, local governments and nonprofit organizations to foster public awareness of the design environment.

#### Community Action Program

Community Service Administration Office of Operations (S 57-58) for low-income persons, for the establishment of housing development corporation, and cooperatives, for community organizations; for school-age and adult education, and for health and recreation programs.

#### City/County/Regional Governments Volunteer Programs

Action (199) to employ professionals to develop and coordinate volunteer programs.

#### Community Service and Continuing Education Program

HEW Office of Education, Bureau of Post-Secondary Education (S 10-12) to utilize resources of institutions of higher education to help solve community problems, and to strengthen town-gown cooperation.

#### Mortgage Insurance for Hospitals, Nursing Homes, Intermediate Care and Group Practice Facilities

HUD Asst Secy for Housing Production and Hsg Credit (127 128) to assist rehabilitation and expansion of health care facilities

### **State Funds**

The majority of the above listed Federal funds are allocated to cities and local agencies directly in Newark. The possibility, however, of supplementary funding from the State should not be overlooked<sup>2</sup> and applications for grants should, of course, be processed through the local offices having jurisdiction.

### **Landmark Easements**

Another approach to easing the financial burden of restoration is through the acquisition of a "landmark easement" over the street facade of a building to be restored instead of purchasing the full lot on which it stands. Whether a property is acquired by negotiated purchase, or by condemnation, a 2-foot deep strip as an easement will cost considerably less than a 100-foot deep lot. The concept of a "landmark easement" is relatively new and, where it has been tried, the economic circumstances of the property owners are quite different from those in the James Street Commons. The fullest

and apparently most successful application of the technique appears to have been in Annapolis, Maryland. Here a private company, Historic Annapolis, Inc., in command of a revolving fund, has for a long time been buying up old houses, restoring them and then reselling them with stringent restrictions, running with the land, against future alterations without prior approval. Essentially the same technique has been used with great success both in Savannah, Georgia, and in Charleston, South Carolina. In all cases a private company, with private capital, buys, restores and sells with privately established restrictions to a private purchaser who agrees in perpetuity to the restrictions when accepting the title deed.

Historic Annapolis has now pushed the process one step further. With rising acquisition costs their revolving fund was becoming depleted. Their "solution, permissible under the Maryland Code", has been "direct purchase of the exterior development rights of a property without acquiring...full ownership of the property".<sup>3</sup> Assuming the New Jersey Constitution would permit the same sort of partial purchase as the Maryland Code, and ignoring, for the moment, the relative enforceability of "negative easements" and "positive easements"<sup>4</sup> Historic Annapolis states that finding appraisers qualified and experienced in appraising the value of exterior easements on properties is not always easy.<sup>5</sup>

The idea becomes more complicated when enforceability is looked at. The law distinguishes between appurtenant easements, "where one property is burdened with an easement and the other adjoining or nearby property is benefitted by that easement" and "easements in gross...which relate to a burden on a particular piece of property but there is no other property that is specifically benefitted by the easement. It is with this particular kind of easement that enforceability is a matter of some question, particularly in the circumstances of ownerships subsequent to those which existed at the time the easement in gross was created".<sup>6</sup> Easements in gross are similar to voluntary covenants. "Neighborhood governance of the control mechanism, common in subdivision covenant

plans although rare in historic district practices, seems a very desirable part of the neighborhood conservation scheme... Presumably, such properties could be resold with covenants attached without the write-down required for a depressed neighborhood. Covenants cannot be used in developed areas, however, unless all property owners agreed to be governed by them<sup>7</sup>.

In sum, while the concept of a "landmark easement" (or its "covenant" variation) appears to offer an imaginative new weapon in the armory of historic preservationists, its applications, thus far, seem to have been limited to a private company, controlling a private revolving fund and applying it to a well-established community of individual owner-residents willing to commit substantial amounts of their own resources.

### Private Help

It was assumed at the start of this discussion that at the outset most of the James Street Area restoration will be undertaken by public agencies using public funds. When private initiative and private financing begin to play a role, the incentives of Section 2124 of the Tax Reform Act of 1976 will become valuable. The applicable provisions have been well summarized by the Planning Branch of the National Register<sup>8</sup>.

"The new section allows for the amortization of rehabilitation expenditures over a 5-year period for National Register properties, properties in a National Register historic district that are certified by the Secretary of the Interior as being significant to the district, or properties located in historic districts designated under a statute of the appropriate State or local government if such statute is certified by the Secretary of the Interior as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of historic significance to the district. Rehabilitation must also be 'certified'."

A taxpayer who substantially rehabilitated a certified historic structure will be permitted an advantageous method of depreciation.

The law also disallow deductions for demolition of certified historic structures and for accelerated depreciation for properties erected on a site previously occupied by a historic structure on or after June 30, 1976.

Finally, the act provides that a deduction is allowed for the contribution to a charitable organization or a governmental entity exclusively for conservation purposes of a lease on, option to purchase, or easement with respect to real property of not less than 30 years duration, or a remainder interest in real property. Conservation purposes include the preservation of historically important land areas or structures.

## Notes

(1) "A Guide to Federal Programs and Activities Related to Historic Preservation". Washington, D.C.: The National Trust for Historic Preservation. 974, 398 pp., and 1976 Supplement to same, 110 pp.

(2) See the Bicentennial edition of "A Guide to State Historic Preservation Programs" published by The National Trust for Historic Preservation, Washington, D.C. 1976. Also see "Sources of Preservation Funding", a paper issued February 22, 1977 by the Planning Branch, National Register of Historic Places, Department of the Interior, Washington, D.C. 20240

(3) Quoted, with emphasis supplied, from "Easements", a seven-page paper (including a brief bibliography) dated September 22, 1976 and copyrighted by Historic Annapolis, Inc.

(4) Landmark easements seem to have evolved from a long established practice of transferring "an interest or right in (generally open) land but less than the full title to the land... (such as) a right to cross someone else's land". "Affirmative easements generally deal with the right to interfere with the rights that the owner of the property would ordinarily have. A right of way is an example of such an easement... Negative easements are those in which the owner of the land restricts himself with respect to his use of it; he gives up a right. For example, he gives up the right to cut trees on his land..." Those which are affirmative in nature are much more likely to be enforced than those which are negative". From a seminar on "Conservation and Preservation Restrictions", New Hampshire Bar Journal, Vol. 16 No. 4, 1975 p. 326

(5) See "Easements" *supra* p.2

(6) New Hampshire Bar Journal, op. cit. p. 327

(7) Tondro, Jerry J., "An Historic Preservation Approach to Municipal Rehabilitation of Older Neighborhoods", Connecticut Law Review Vol. 8 1976 pp. 303, 304

(8) It is interesting to note, however, that, as of January 1976, The Worcester (Massachusetts) Heritage Society with funds from the city Community Development Block Grant allocation... will acquire facade easements on Crown and Oxford Streets under an arrangement whereby owners will, in turn, apply the purchase payments towards restoring facades". National Trust Supplement (op. cit. in note 1 above) pp. 70-71 Knowledge of this project reached the authors of this report too late for investigation, its future should be closely watched

(9) See pp. 11 and 12 of source cited in note (2) above

## Architectural Glossary

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A number of technical terms have been used in the discussion of architectural styles and standards in the body of the report. The following definitions of these terms are largely based on Dr. Cyril M. Harris' "Historic Architecture Source Book," published by McGraw-Hill Book Company, New York, 1977.

### arcade

A continuous line of arches raised on columns or piers.

### arch

A generally curved construction consisting of wedge-shaped masonry units which span an opening.

### balustrade

A railing together with its short, unshaped supports, all generally of stone or cast iron.

### bay

A regularly repeated vertical division of a facade, defined either by piers or pilasters or simply by the unbroken wall surface between superimposed windows.

### bay window

A window, or windows set in a projection from the main wall of the building.

### bracket

A member, often scroll shaped, projecting from a wall to support some overhanging element.

### brownstone

A dark brown or reddish brown sandstone much used in the eastern U.S.A. as a facing and trim material during the middle and late nineteenth century.

### cap molding

A generally horizontal projecting molding that protects surfaces below it from dripping water.

### cast iron

Iron cast in a mold. This permitted the economical repetition of decorative elements, such as balusters, once the mold was made.

### cast stone

An imitation of real stone made by casting suitable mixtures of cement, sand and coloring materials.

### chord (of a pediment)

The bottom, horizontal member of a pediment.

### cladding

An exterior wall covering of metal or other composition, usually applied in sheets or rolls.

### clapboard

An exterior application of horizontal overlapping wood boards, thicker at their lower edges than at the top.

### column

A relatively long, slender, vertical member designed to carry a concentrated load. The proportions and details of the cylindrical columns of classical architecture formed the basis of the different orders.

### coping

A protective cap, top or cover for a wall, parapet or chimney.

### corbe

A block, or series of blocks, stepping out from the face of a wall to act as a support for some overhanging member.

### cornice

The projecting exterior trim of a structure at the meeting of the roof and wall. Also any molded projection which crowns a door or window.

### course

A layer of masonry units running horizontally in a wall.

### dentil

One of a band of small, square, tooth-like blocks under a cornice.

### dormer

A structure projecting from a sloping roof usually housing a window.

### double-hung sash

Counterweighted sash that slides up and down in a vertical plane. They are often described by the number of panes in each of the two sashes thus, for example, 6 over 6 or 4 over 4, etc.

### double keystone

A keystone flanked, for decorative effect, by a half keystone on each side.

### ear

A small decorative projection at the top corners of a window or door entablature. A characteristic detail of the Greek Ionic style.

### eaves

The lower edge of a sloping roof; that part of a roof that projects beyond the wall below it.

**eclecticism**

The selection of elements from diverse styles for architectural decorative designs, particularly during the second half of the nineteenth century in Europe and the U.S.A.

**enframement**

The surroundings, often decorative, that frame a door, window, or other opening in a wall.

**entablature**

In classical architecture, an elaborated horizontal beam carried by columns. A cornice forms the top, and projecting portion of an entablature.

**escutcheon**

A decorative shield-shaped ornament.

**facade**

The exterior face of a building, usually the main front.

**fascia, fascia board**

A wide, flat, plain horizontal band below a cornice.

**flashing**

Pieces of sheet metal or other materials used to protect the joints where a roof meets a wall, parapet or chimney, from penetration by water. Also used at the transition between sub-grade construction and super-structure.

**flat arch**

An arch whose under-surface is horizontal.

**Flemish bond**

A method of laying brick in which headers and stretchers alternate in each course and in which each header is centered with respect to the stretcher above and below it.

**gable**

The vertical triangular port on of the end of a building have a double-sloping roof.

**header**

A masonry unit laid with its short end exposed on the face of a wall.

**header course**

A course of brickwork consisting entirely of headers.

**impost**

A masonry unit, often distinctively profiled, which receives and distributes the thrust at each end of an arch.

**ionic Order (Ionic column)**

The classical order of architecture, originated by the Ionian Greeks, characterized by a capital with large spiral scrolls, by dentils below the cornices and by elegant detailing.

**keystone**

The central voussoir of an arch. Until it is in place no true arch action is incurred. For decorative effect its splayed shape is often extended above the other voussoirs, or it projects, is carved, or contrasts with the surrounding material.

**leaded**

A window glazed with small pieces of glass held in place by H-shaped strips of lead.

**lintel**

A horizontal structural member over an opening which carries the weight of the wall above it, often of stone or wood.

**Mansard roof**

A roof having a double slope, the lower slope being much the steeper.

**masonry**

Stone, brick, precast block, or the like, laid up in a wall.

**modillion**

A horizontal bracket, either a plain block or a scroll, that supports a cornice.

**molding**

A combination of flat and curved surfaces in a narrow band. May be of any material. Used primarily for decorative purposes.

**order**

In classical architecture, a style of column with its entablature, base etc., having standardized details. The Greek orders were the Doric, Ionic and Corinthian; the Roman orders, the Tuscan, Ionic, Corinthian and Composite.

**palazzo**

In Italy, a palace but now applied to any impressive public building or residence.

**pane**

A subdivision of a window or a piece of glass that fills it.

**parapet**

A low solid wall, usually of masonry, at the edge of a flat roof, balcony, terrace etc.

**pediment**

The triangular gable end of the roof above the horizontal cornice. Small pediments are also used ornamentally over doors and windows where they may be in the form of rather flat triangles or topped by a segmental curve.

**perlastone**

The generic name of a sheet material designed to term brickwork or stonework which is applied on the exterior walls of a building to stop leaks.

**pier**

A vertical masonry member, either free-standing or attached to a wall, designed to support a concentrated load. Piers are usually rectangular in horizontal cross-section.

**pilaster**

A shallow rectangular projection from a wall surface used decoratively to support a column, and generally with simplified capital, base, etc., of one of the orders.

**pinnacle**

A small ornamental shaft terminated by a spire.

**pipe sleeves**

Openings through which pipes penetrate walls and roofs.

**polychromy**

The practice of decorating architectural elements in a variety of colors.

**pressed brick**

A smooth-surfaced, uniformly shaped, hard brick that has been dressed in a mold before drying.

**quoins**

In masonry construction, one of a series of stones used to reinforce an exterior corner, usually with headers and stretchers alternating from course to course. Quoins are often distinguished decoratively from the surrounding masonry. This effect may be imitated in brick or even in wood, where they have no structural function.

**radial brick**

A wedge-shaped brick that serves as a component of a brick arch.

**repointing**

The raking out of disintegrated or loose mortar from exterior stone or brick joints and repacking them so as to be watertight.

**'returned on itself'**

The termination of a cornice or a molding by a 45° mitre cut and returning the profile perpendicular to the surface along with it runs.

**rustication**

Stonework in which the joints are strongly emphasized by being recessed, often the stone surface is also roughened.

**rough hewn**

An intentionally unfinished look given to the face of a piece of stone to suggest the irregularity of natural rock.

**row house**

One of an unbroken line of houses sharing one or more side walls with its neighbors.

**running bond**

Brickwork laid so that only stretchers appear on the face.

**segmental arch**

An arch formed by a circular arch which is less than a semi-circle.

**sash**

A fixed or movable framework of a window.

**scale**

The proportions and details of an architectural design that give the viewer a sense of the actual size of the structure.

**s delight**

A framed area of glass alongside a door opening.

**soffit**

The exposed under surface of any overhead component of a building such as an arch, balcony, beam, cornice or Intel.

**spayed lintel**

A lintel whose horizontal length is longer at the top than at the bottom.

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**stoop**  
A raised platform reached by steps and leading to the entrance of a house.

**stretcher**  
A masonry unit laid horizontally with its length in the direction of the face of the wall.

**stucco**  
An exterior finish composed of portland cement, lime and sand mixed with water. It is applied with a trowel.

**sunburst**  
A decoration consisting of grooves or ridges radiating from a central point often confined to a semi-circle.

**terra-cotta**  
A baked clay product used either structurally in hollow blocks or as an ornamental and sometimes polychrome facing material.

**tie rod**  
A metal rod that runs across a building to prevent two opposite walls from spreading apart.

**transom light**  
A glazed pane above a horizontal member over a door.

**Venetian Gothic**  
Characterized by arches composed of reverse curves, the lower concave and the upper convex. Also by the use of decorative brickwork in a diamond pattern.

**vousoir**  
One of the wedge-shaped stones that compose an arch.

**wrought iron**  
Iron that is hammered or forged into shape, usually for decorative purposes.

## Sources for Architectural Analysis

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A



## Historic Styles

- AD Art Deco
- F Federal
- nFI neo-Flemish
- FSE French Second Empire
- nGeo neo-Georgian
- GrR Greek Revival
- nGo neo-Gothic
- It Italianate
- nItRen neo-Italian Renaissance
- nGrec neo-Grec
- QA Queen Anne
- RenR Renaissance Revival
- RoR Romanesque Revival
- nRo' neo-Romanesque
- nT neo-Tudor
- VicIt Victorian Italianate
- V Vernacular
- VC Vernacular Commercial

## Streetscape

- ▼ Residential entrance
- ▲ Non-Residential entrance
- ▬ Inset entrance
- ▬ Stoop entrance
- Direction and Lanes of Traffic
- ▬ Projecting Sign
- → Slope down
- ↔ Overhead Telephone Lines
- \* Area Landmark
- Architectural Prototype
- [P] Parking
- [B] Bus stop
- (M) Mailbox
- [F] Firebox
- (T) Telephone
- 57 House Number
- ▬ Stop light
- ⊗ Street light
- ☒ Trash container
- ↔ Directed views with object noted
- ↔ Panoramic views with object noted
- ▬ Sidewalk Public Space
- ▬ Sidewalk poor condition
- Tree locations
- Landscaping

